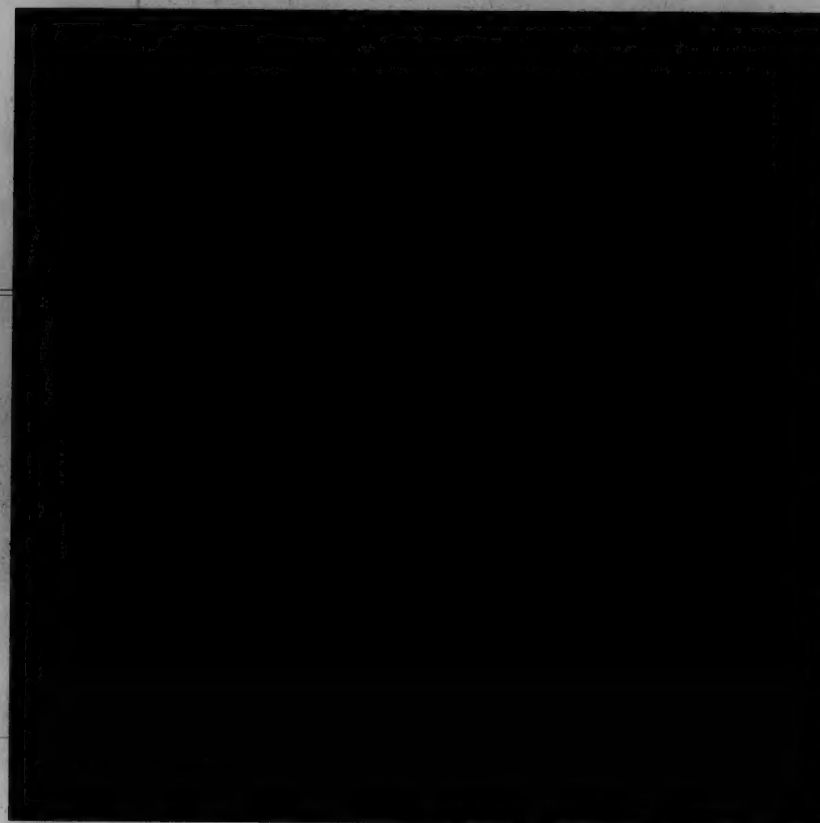
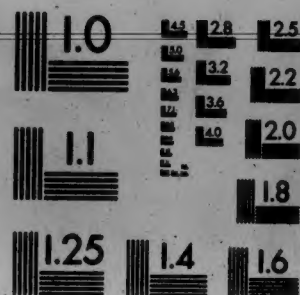
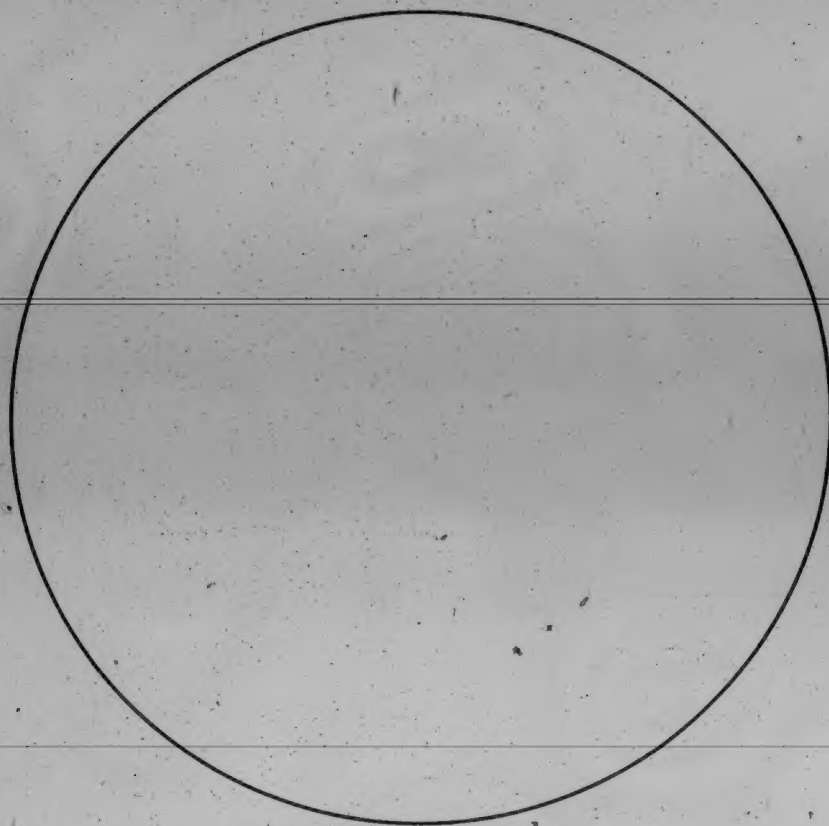
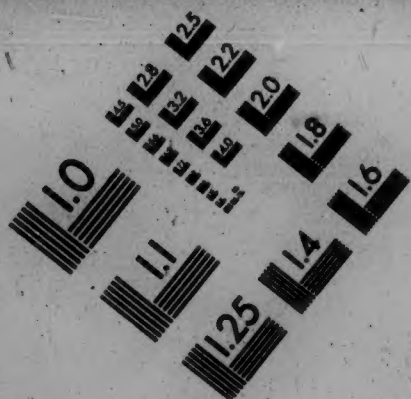
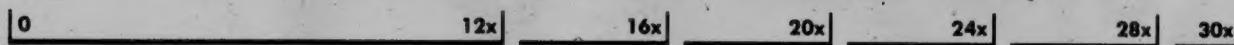


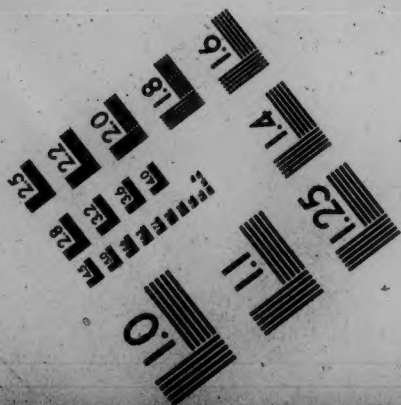
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**APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES**

**1898 - 1914**

**ROLL 98**

**MISSISSIPPI CHOCTAW MGR 1051 - MGR 1153**

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Choctaw MCR 1051

Robert H. Hartley

MCR 1051



M. C. R-1051

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 21, 1900.

In the matter of the application for identification as Mississippi Choctaws of Robert H. Hartley and his two minor children Robert H. Hartley being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Robert H. Hartley.
- Q What is your age? A 28.
- Q What is your post-office address? A Cleburne, Texas.
- Q Are you a resident of the state of Texas? A Yes sir.
- Q How long have you resided there? A 28 years.
- Q Born there and lived there all your life? A Yes sir.
- Q Never resided in the Indian Territory? A No sir.
- Q Nor in the state of Mississippi? A No sir. Never was out of Texas.
- Q How much Choctaw blood do you claim? A One eighth.
- Q What is your father's name? A Samuel Hartley.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Margaret Hartley.
- Q Is your mother living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Father.
- Q Was your father's name ever on any of the tribal rolls of the Choctaw nation? A Not that I knew of.
- Q Has he ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, not that I know of.
- Q Have you any doubt about it? Why do you say 'Not as you know of' Have you any reason to believe it is? A That is something I couldn't answer.
- Q What would you be here for making application if you were a citizen and already enrolled. A Yes sir I believe it is on a roll.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.
- Q Ever been recognized by the Choctaw tribal authorities as a citizen? A No sir.
- Q Then why do you believe that you are enrolled as a citizen of the Choctaw Nation? A Well I believe it on my father's.
- Q We are not talking about your father. Why do you believe that your name is on the tribal rolls of the Choctaw Nation. You never made applications to the Choctaw tribal authorities have you? A No sir.
- Q Never have been acknowledged by them as a citizen? A No sir.
- Q Then why do you believe that you are enrolled? A Well, I don't --- well, you have got me.
- Q Why do you make that statement then that your name is enrolled. You have no reason in the world to believe it is have you? A No sir.
- Q Then why do you say it is.

Tribal rolls in the possession of the Commission examined and the name of the applicant does not appear thereon.



Robert H. Hartley 2

Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications made to this Commission in 1896 for citizenship in the Choctaw Nation examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts for the Indian Territory? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Courts, examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I don't understand.

Q You are making your claim as a Mississippi Choctaw aren't you? A Yes sir.

Q Are you making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Why do you believe that you are entitled to any recognition under that article of that treaty? A I don't know.

Q What is your claim? What are you here making application for? A I can't answer it.

Q Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Q What was the name of your ancestor who resided in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians and who was at that time a recognized member of that tribe? A George W. Hartley.

Q What relation was he to you? A My grand father.

Q When did he leave Mississippi? A I don't know.

Q Do you know anything about his residence in Mississippi?

A No sir.

Q Do you know whether he was ever recognized by the Choctaws as a member of that tribe? A No sir.

Q Do you know whether he complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Do you know whether he ever received any land in Mississippi as a beneficiary under the provisions of that article of that treaty? A No sir.

Q You heard your father testify awhile ago? A Yes sir.

Q You heard him testify that George W. Hartley your grand father left Mississippi in 1835? A Yes sir.

Q Is that correct? A Yes sir.

Q Is there any additional statement you want to make as to your grand father's residence in the state of Mississippi? A No sir, I reckon not.

Q Do you make any claim under any other treaty between the United States and the Choctaw Indians? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Louisa.

Q Is she a white woman? A Yes sir.

Robert M. H. Hartley 3

- Q Making any claim for her? A No sir.  
Q Where did you marry her? A Galveston.  
Q What state? A Texas.  
Q When? A In 1894.  
Q Married to her in accordance with the laws of the state of Texas? A Yes sir.  
Q Have you your marriage license and certificate? A Not with me.  
Q It will be necessary for the commission to be supplied with evidence of your marriage to your wife, in the matter of the application for the identification of your minor children. How many children have you? A Two.  
Q What are their names and ages? A Bessie Leanner Hartley  
Q How old is she? A Four years old.  
Q What is the name of the next one? A Youler May Hartley.  
Q How old is she? A Two.  
Q That all the children you have? A Yes sir.  
Q Louisa Hartley is the mother of them? A Yes sir.  
Q You are the father? A Yes sir.  
Q These children live with you at your home? A Yes sir.  
Q You and your wife live together? A Yes sir.  
Q Is there any additional statement you desire to make in support of this application? A No sir.  
Q Is there any written evidence you desire to offer the Commission for consideration in support of this application?

Here attorney for applicant asks leave to file written evidence in support of this application within 15 days from this date.

Permission is granted the attorney for the applicant to file written evidence in support of this application provided the same is offered for filing within fifteen days from the date hereof.

By L. P. Hudson, attorney for the applicant.

Q Mr. Hartley, is it your intention to remove to the Indian Territory for the purpose of making your home here in the near future? A Yes sir.

By the Commission. The decision of the Commission as to your application and the application you make on behalf of your two minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 22nd day of November, 1900.

*Guy L. Emerson*  
Notary Public

Muskogee, Indian Territory, March 20, 1901:

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 11, inclosing the following papers for filing:

Certified copy of marriage license and certificate between Mr. Frank Hull and Miss Dora Daniels, to be filed with the claim of John Franklin Hull et al. for identification as Mississippi Choctaws.

Certified copy of marriage license and certificate between Samuel Hartley and Margaret Ann Ralls, and certified copy of marriage license and certificate between Mr. S. T. Hartley and Miss Nannie Reek, to be filed in support of the application for identification as Mississippi Choctaws of Samuel T. Hartley et al.

Certified copy of marriage license and certificate between Mr. R. H. Hartley and Miss Lou Palmer, to be filed with the application of Robert H. Hartley et al. for identification as Mississippi Choctaws.

The papers have been duly filed with the several claims above mentioned.

Yours truly,

Acting Chairman.

MC 930  
MC 1050  
MC 1051



Muskogee, Indian Territory, April 3, 1901.

Mr. M. J. Phillips,  
Pasadena, Texas,

Dear Sir:

The Commission is in receipt of your letter of March 30, in which you inquire how to present your wife's claim for identification as a Mississippi Choctaw, and state that she is a daughter of S. T. Hartley, and a sister of Mrs. C. T. Taylor, Mrs. R. V. Shuts, Mrs. S. G. Cagle, Miss Annie Hartley and Mr. Sammie Hartley, who have applied for identification as Mississippi Choctaws. You also ask whether you could go before a Justice of the Peace and make application.

In reply to your letter you are advised that on November 21, 1900, Samuel T. Hartley appeared before the Commission at Muskogee and applied for the identification of himself and his daughter Annie Hartley and his son Samuel H. Hartley as Mississippi Choctaws; on the same day Robert H. Hartley applied for the identification of himself and two minor children; Virginia Shultz applied for the identification of herself and four minor children; Sophronia G. Cagle applied for the identification of herself and two minor children, as Mississippi Choctaws; and on November 26, 1900, Caroline Taylor, a sister of the above named applicants, and daughter of Samuel T. Hartley, appeared before the Commission at Muskogee and applied for the identification of herself and six children as Mississippi Choctaws. No action has

M.J.P. 2

been taken in any of these cases.

You are advised that the rules of the Commission require that each applicant for identification as a Mississippi Choctaw should appear in person before the Commission for examination. If your wife desires to present her application for identification as a Mississippi Choctaw she should appear before the Commission at its office in Atoka, Indian Territory, whenever she desires to do so, and a record will then be made of her name.

Yours truly,

Acting Chairman.

MC 1050  
MC 1051  
MC 1052  
MC 1053  
MC 1056

Muskogee, Indian Territory, November 29, 1901.

Robert H. Hartley,  
Caney, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of  
Viola Hartley, infant daughter of Robert H. and Louisa Hartley, born  
February 18, 1901. The affidavits of Louisa Hartley and Robert H.  
Hartley have been accepted as evidence of the birth of this child,  
and the same will be filed with and made a part of your original ap-  
plication for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

MC 1051.



COPY.

M.C.R. 1051

Muskogee, Indian Territory, July 11, 1902.

Robert H. Hartley,  
Cleburne, Texas.

Dear Sir:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel T. Hartley, et al.,	M C R 1050
Robert H. Hartley, et al.,	M C R 1051
Virginia Shultz, et al.,	M C R 1052
Sophronia C. Cagle, et al.,	M C R 1053
Caroline Taylor, et al.,	M C R 1068
Maggie J. Van Every, et al.,	M C R 1054
Samuel W. Denyer, et al.,	M C R 1055
Eliza C. Reeves, et al.,	M C R 1069

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

R H H -----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Ammie Hartley, Samuel H. Hartley, Eddie R. Hartley, Robert H. Hartley, Bessie Leanner Hartley, Youler Kay Hartley, Viola Hartley, Virginia Shultz, Birdie Shultz, Callie Shultz, Julia Shultz, Richard Shultz, Sophronia T. Cagle, Hazle Cagle, Dessie Cagle, Caroline Taylor, Maudie Viola Taylor, Claudie R. Taylor, Mattie A. Taylor, Jesse M. Taylor, Darline Taylor, Taylor (male infant unnamed), Maggie J. Van Every, Minnie R. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel W. Denyer, Alfred F. Denyer, Arthur L. Denyer, Addie E. Denyer, Zenobia C. Denyer, Lee C. Denyer, Samuel D. Denyer, William George Denyer, Melvin E. Denyer, Eliza C. Reeves, Nora Alice Reeves, Ada B. Reeves, and James Allen Reeves as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,  
(SIGNED)

Samuel Bixby

Registered.

Acting Chairman.

M. C. R. 1051

COPY

Muskogee, Indian Territory, November 7, 1902.

Robert H. Hartley,

Cleburne, Texas.

*Remailed. Cany. J. Dec. 13. 1902.*

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel F. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

*Tamie Birby.*

Acting Chairman.



REFUSED

DECISION RENDERED

JUL 11 1902

NOTICE OF DECISION MAILED APPLICANT

JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 11 1902

RECORD FORWARDED DEPARTMENT.

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 7 1902

REFER TO M. C. R. 1050

11/24/01 P.O. Address Coney I. T.

No. 1051

For Identification as a Mississippi Choctaw.

Date NOV 21 1900

Name Robert H. Hartley

Age 28. Blood 1/8

Post Office, Cleburne, Texas.

Father: Samuel Hartley - ✓

Mother: Margaret Hartley - dead

Claims through father.

WIFE:

Louisa Hartley  
(No claim for wife).

Children:

Bessie L. Hartley 4  
Goules M. " " 2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 21 1900



ACTING CHAIRMAN.

Choctaw MCR 1052

MCR 1052

Virginia Shultz

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 21, 1900.

In the matter of the application for identification as Mississippi Choctaws of Virginia Shultz and her four minor children. Virginia Shultz being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Virginia Shultz.  
Q What is your age? A 33.  
Q What is your post-office address? A Midlothian, Texas.  
Q Are you a resident of the state of Texas? A Yes sir.  
Q How long have you resided there? A (No answer.)  
Q Ever been any where besides Texas? A No sir, not been nowheres but Texas.  
Q You were born there? A Yes sir.  
Q Lived there all your life? A Yes sir.  
Q Then you have lived there 33 years? A Yes sir I guess so.  
Q Have never lived in the Indian Territory? A No sir.  
Q Never lived in Mississippi? A No sir.  
Q How much Choctaw blood do you claim? A One fourth I believe.  
Q What is your father's name? A Samuel Hartley.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Margaret Hartley.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Father.  
Q Was your father's name ever upon any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Was your father recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission, examined and the name of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to the Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications made to this Commission in 1896, for citizenship in the Choctaw Nation, examined and the name of the applicant does not appear thereon.

- Q Have you been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Virginia Shultz 2

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court, examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Father's a half breed.

Q Are you making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No sir.

Q What was the name of your ancestor who resided in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians and who was at that time a recognized member of that tribe? A Father.

Q Your father's name Samuel Hartley? A Yes sir.

Q Was Samuel Hartley a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes sir.

Q Have you any evidence of that fact? A No sir.

Q Do you know when he left Mississippi? A No sir.

Q How long has he resided in Texas? A I can't tell.

Q Do you know anything of his residence in Mississippi?

A No sir.

Q Do you know anything of his recognition by the Choctaw tribe of Indians in Mississippi? A No sir.

Q Did ~~you~~ any of your ancestors through whom you might claim this right to identification ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.

Q Do you claim under any other treaty stipulation between the United States and the Choctaw tribe of Indians? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Henry Shultz.

Q Are you making any claim for him? A No sir.

Q Is he a white man? A Yes sir.

Q Where did you marry him? A Texas.

Q Married to him in accordance with the laws of the state of Texas? A Yes sir.

Q Have you any children? A Yes sir.

Q What are their names and ages? A Birdie.

Q How old is Birdie? A Ten.

Q The next one? A Callie.

Q How old is Callie? A She's eight.

Q The next one? A Four.

Q What is the name? A Julia.

Q What is the next one? A Richard.

Q How old is Richard? A Fourteen months.

Q Is that all the children you have? A Yes sir.

Q Henry Shultz is the father of these children? A Yes sir.

Q You are the mother? A Yes sir.

Q You and your husband live together? A Yes sir.

Q Is there any additional statement you desire to make in support of this application? A No sir.

Q Any written evidence you desire to offer the Commission for consideration in support of this application?

Here attorney for applicant asks leave to file written evidence in support of this application within

Virginia Shultz 3

fifteen days from this date.

Permission is granted the attorney for applicant to file written evidence in support of this application provided the same is offered for filing within 15 days from the date hereof.

By L. P. Hudson, attorney for the applicant.

Q Mrs. Shultz, you said that you claim to be a quarter Choctaw? A Yes sir.

Q Isn't that what your father claims, one quarter? A Yes sir.

Q Then you would only have half as much of that blood as he would, wouldn't you? Your mother was a white woman? A Yes sir.

Q If your mother was a white woman and your father was one quarter that would only leave you an eighth, wouldn't it? A Yes sir.

Q You say you reside in the state of Texas? A Yes sir.

Q Is it the intention of yourself and husband to remove to the Indian Territory? A Yes sir.

Q To establish a home here in the near future? A Yes sir.

By the Commission: The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 23rd day of November 1900.

Guy L. Emerson  
Notary Public.

Muskogee, Indian Territory, April 3, 1901.

Mr. W. J. Phillips,

Pasadena, Texas,

Dear Sir:

The Commission is in receipt of your letter of March 30, in which you inquire how to present your wife's claim for identification as a Mississippi Choctaw, and state that she is a daughter of S. T. Hartley, and a sister of Mrs. G. T. Taylor, Mrs. T. V. Shuts, Mrs. S. C. Cagle, Miss Annie Hartley and Mr. Sammie Hartley, who have applied for identification as Mississippi Choctaws. You also ask whether you could go before a Justice of the Peace and make application.

In reply to your letter you are advised that on November 21, 1900, Samuel T. Hartley appeared before the Commission at Muskogee and applied for the identification of himself and his daughter Annie Hartley and his son Samuel W. Hartley as Mississippi Choctaws; on the same day Robert W. Hartley applied for the identification of himself and two minor children; Virginia Shuts applied for the identification of herself and four minor children; Septoria G. Cagle applied for the identification of herself and two minor children, as Mississippi Choctaws; and on November 24, 1900, Caroline Taylor, a sister of the above named applicants, and daughter of Samuel T. Hartley, appeared before the Commission at Muskogee and applied for the identification of herself and six children as Mississippi Choctaws. No action has



N.J.P. 3

been taken in any of these cases.

You are advised that the rules of the Commission require that each applicant for identification as a Mississippi Choctaw should appear in person before the Commission for examination. If your wife desires to present her application for identification as a Mississippi Choctaw she should appear before the Commission at its office in Atoka, Indian Territory, whenever she desires to do so, and a record will then be made of her case.

Yours truly,

Acting Chairman.

WC 1050  
WC 1051  
MC 1052  
MC 1053  
MC 1054

COPY.

M.C.R. 1052

Muskogee, Indian Territory, July 11, 1902.

Virginia Shults,  
Midlothian, Texas.

Dear Madam:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel T. Hartley, et al.,	M C R	1050
Robert H. Hartley, et al.,	M C R	1051
Virginia Shults, et al.,	M C R	1052
Sophronia C. Gagle, et al.,	M C R	1053
Caroline Tayler, et al.,	M C R	1058
Maggie J. Van Every, et al.,	M C R	1054
Samuel W. Denyer, et al.,	M C R	1055
Eliza C. Reeves, et al.,	M C R	1059

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 491) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw Lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Ammie Hartley, Samuel H. Hartley, Eddie R. Hartley, Robert H. Hartley, Bessie Leannon Hartley, Youler May Hartley, Viella Hartley, Virginia Shultz, Birdie Shultz, Callie Shultz, Julia Shultz, Richard Shultz, Sophronia C. Cagle, Hazle Cagle, Dossie Cagle, Caroline Taylor, Maudie Viola Taylor, Claudie H. Taylor, Mattie A. Taylor, Jesse H. Taylor, Earline Taylor, Taylor (male infant unnamed), Maggie J. Van Every, Minnie R. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel W. Denyer, Alfred F. Denyer, Arthur L. Denyer, Addie E. Denyer, Zenobia C. Denyer, Lee C. Denyer, Samuel D. Denyer, William George Denyer, Melvin E. Denyer, Eliza C. Reeves, Nora Alice Reeves, Ada P. Reeves, and James Allen Reeves, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,  
(SIGNED).

Registered.

*James D. Bird*  
Acting Chairman.

W. O. R. 1052

COPY.

Muskegee, Indian Territory, November 7, 1902.

Virginia Shults,  
Midlothian, Texas.

Dear Madam:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel T. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

*Tamc Dixby.*  
Acting Chairman.



Muskogee, Indian Territory, February 7, 1903.

H. M. Shults,

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 18, in which you ask the status of the application of your wife for identification as a Mississippi Choctaw.

In reply to your letter you are advised that it appears from our records that Virginia Schultz, wife of Henry Schultz, was an applicant to this Commission for the identification of herself and her four minor children as Mississippi Choctaws. On July 11, 1902, the Commission rendered its decision refusing her application and she was on that date duly notified of this action at Midlothian, Texas, her last known post office address, and the record in her case was transmitted to the Secretary of the Interior. On October 25, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing this application and on November 7, 1902, she was notified of the Departmental action in her case. The letters addressed to her at Midlothian, Texas, were returned unclaimed and have been again forwarded to her at Caney, Indian Territory.

Respectfully,

Acting Chairman.

REFUSED

DECISION RENDERED.

JUL 11 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 11 1902

RECQD FORWARDED DEPARTMENT.

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 7 1902

REFER TO M. C. R. 7050

No. 1052

For Identification as a Mississippi Choctaw.

Date NOV 21 1900

Name *Virginia Shultz.*

Age *23* Blood *1/4*

Post Office, *Midlothian, Texas.*

Father: *Samuel Hartley - dead.*

Mother: *Margaret Hartley - dead.*

Claims through *father.*

HUSBAND:

*Henry Shultz. -*  
*(No claim for husband).*

Children:

*Air die Shultz* 10.

*Callie* " 8.

*Julia* " 4.

*Richard* " 14 mo.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

NOV 21 1900



ACTING COMMISSIONER.

Choctaw MCR 1053

MCR 1053

Sophronia C. Cagle



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, NOVEMBER 20, 1900.

In the matter of the application for identification of Sophronia C. Cagle as a Mississippi Choctaw, and for the identification of her two minor children as Mississippi Choctaws.

Sophronia C. Cagle, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your age? A Twenty five.  
Q What is your post office address? A Midlothian, Texas? A Yes sir.  
Q Are you a resident of the state of Texas? A Yes sir.  
Q How long have you resided in Texas? How long have you been in Texas? A Been there twenty five years.  
Q Been there all your life? A Yes sir.  
Q Ever lived in the Indian Territory? A No sir.  
Q Ever maintained a residence in the state of Mississippi? A No sir.  
Q What is your father's name? A Samuel Hartley.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Her name is Margaret.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Was your father's name ever upon any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A Yes sir, I reckon so.  
Q On what roll? A I don't know.  
Q Why do you believe it is on any tribal roll? A My father is a Choctaw Indian.  
Q We are not talking about your father. Why do you believe that your name is on any of the tribal rolls of the Choctaw Nation? A I could not tell you.

Tribal rolls of the Choctaw Nation now in the possession of the Commission examined and the names of the applicant not found thereon.

- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Have you ever been enrolled by the Choctaw Nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896 examined, and the name of the applicant not found therein.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the tribal authorities of the Choctaw Nation or of this Commission? A No sir.

Record of persons admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory examined, and the name of the applicant not found therein.

Sophronia C. Cagle-2

- Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment in the Choctaw Nation?
- A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to share in the lands of the Choctaw Nation under the provisions of the treaty of 1830?
- A My father is a Choctaw is the reason; because my father is.
- Q Is that the only reason why you believe that you are entitled to any rights? A I think I ought to have a claim.
- Q Why do you think so? A I am one eighth.
- Q Why do you think that gives you any rights in the Choctaw Nation?
- A I think I ought to have a right.
- Q Are you claiming under the provisions of the 14th article of the treaty of 1830? A What is my claim?
- Q Yes. A Choctaw.
- Q Do you claim under the 14th article of the treaty of 1830?
- A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No sir.
- Q What is the name of your ancestor or ancestors who remained in Mississippi after the treaty of 1830 and complied with the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you now claim this right to identification? A I don't know. I don't understand you.
- Q Who was your ancestor who resided in Mississippi in 1830 at the time this treaty was made and was a recognized member of the Choctaw tribe at that time? A My father I reckon.
- Q Your father, Samuel Hartley? A Yes sir.
- Q Did Samuel Hartley ever comply with the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q When did he leave Mississippi? A I could not tell you.
- Q Do you know anything about his Indian citizenship in Mississippi?
- A No sir.
- Q Are you making any claim under any other treaty stipulations between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A James Cagle.
- Q Is he a white man? A Yes sir.
- Q Are you making any claim for him? A No sir.
- Q Where did you marry him? A In Texas.
- Q When? A In '92.
- Q Have you any children? A Yes sir.
- Q How many? A Two.
- Q What are their names and ages? A The oldest one is six.
- Q What is the name? A Hazle.
- Q Hazle is six; what is the next one? A Dessie.
- Q How old is Dessie? A Two.
- Q What is the next one? A That is all, just two.
- Q You are the mother of these two children? A Yes sir.
- Q James Cagle is the father? A Yes sir.
- Q You and your husband are living together? A Yes sir.
- Q These children live with you at your home? A Yes sir.
- Q Their claim is the same as yours? A Yes sir.
- Q Is there any additional statement you desire to make? A No sir.
- Q Is there any written evidence that you desire to offer in support of your application?

Here attorney for applicant, L. P. Hudson, asks leave to file additional written testimony in support of this application within fifteen days.

Sophonra C. Cagle-3

Examination by Mr. Hudson.

Q Is it your intention and the intention of your husband to remove to the Indian Territory in the near future --- A Yes sir.

Q For the purpose of making a home and residence there? A Yes sir.

Permission is granted the attorney for the applicant to file additional testimony in support of this application provided the same are offered to the Commission for filing within fifteen days.

The Decision of the Commission in regard to your application for the identification of yourself and your minor children as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address.

Anna Bell, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes that she reported in full all proceedings had in the above entitled cause on the 21st day of November, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 27 day of <sup>December</sup> November, 1900.

  
Acting Chairman.

COPY.

M.C.R. 1053

Muskogee, Indian Territory, July 11, 1902.

Sophonra C. Cagle,  
Midlothian, Texas.

Dear Madam:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel T. Hartley, et al.,	M C R	1050
Robert H. Hartley, et al.,	M C R	1051
Virginia Shultz, et al.,	M C R	1052
Sophonra C. Cagle, et al.,	M C R	1053
Caroline Taylor, et al.,	M C R	1058
Maggie J. Van Every, et al.,	M C R	1054
Samuel W. Denker, et al.,	M C R	1055
Eliza C. Reeve, et al.,	M.C.R.	1069

These applications were made under the provision of the act of Congress of June 28, 1898 ( 30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."



Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Ammie Hartley, Samuel H. Hartley, Eddie E. Hartley, Robert H. Hartley, Bessie Leanner Hartley, Youler May Hartley, Viola Hartley, Virginia Shultz, Birdie Shultz, Callie Shultz, Julia Shultz, Richard Shultz, Sophronia C. Cagle, Maude Cagle, Dessie Cagle, Caroline Taylor, Maude Viola Taylor, Claudie Taylor, Mattie A. Taylor, Jesse M. Taylor, Earline Taylor, \_\_\_\_\_ Taylor (male infant, unnamed) Maggie J. Van Every, Minnie A. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel W. Denyer, Alfred E. Denyer, Arthur L. Denyer, Addie E. Denyer, Zenobia C. Denyer, Lee C. Denyer, Samuel D. Denyer, William George Denyer, Melvin M. Denyer, Eliza C. Reeves, Nora Alice Reeves, Ada B. Reeves, and James Allen Reeves as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

Acting Chairman.

Muskegee, Indian Territory, December 6, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 3rd instant, enclosing marriage license and certificate between J. P. McGee and Miss Bettie Autrey, offered by you for filing in the matter of the application of James P. McGee et. al for identification as Mississippi Choctaws. Also, certified copy of marriage license and certificate between J. T. Cagle and Miss Frona Hartly, offered by you for filing in the matter of the application of Sophronia C. Cagle et. al for identification as Mississippi Choctaws.

The same have been duly filed with the records of the Commission in their respective cases.

You also enclose in your letter the application for enrollment as a citizen of the Choctaw Nation of Lola C. Gwalt, the infant daughter of J. S. and Mint Gwalt, born September 4th, 1900, and the same has been duly filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

M. C. R-356  
M. C. R 1053  
M. C. R 1049

Muskogee, Indian Territory, April 3, 1901.

Mr. W. J. Phillips,

Pasadena, Texas,

Dear Sir:

The Commission is in receipt of your letter of March 30, in which you inquire how to present your wife's claim for identification as a Mississippi Choctaw, and state that she is a daughter of S. T. Hartley, and a sister of Mrs. G. T. Taylor, Mrs. E. V. Shuts, Mrs. S. G. Cagle, Miss Annie Hartley and Mr. Sammie Hartley, who have applied for identification as Mississippi Choctaws. you also ask whether you could go before a Justice of the Peace and make application.

In reply to your letter you are advised that on November 21, 1900, Samuel T. Hartley appeared before the Commission at Muskogee and applied for the identification of himself and his daughter Annie Hartley and his son Samuel H. Hartley as Mississippi Choctaws; on the same day Robert H. Hartley applied for the identification of himself and two minor children; Virginia Shulta applied for the identification of herself and four minor children; Sophronia G. Cagle applied for the identification of herself and two minor children, as Mississippi Choctaws; and on November 25, 1900, Caroline Taylor, a sister of the above named applicants, and daughter of Samuel T. Hartley, appeared before the Commission at Muskogee and applied for the identification of herself and six children as Mississippi Choctaws. No action has

M.J.P. 2

been taken in any of these cases.

You are advised that the rules of the Commission require that each applicant for identification as a Mississippi Choctaw should appear in person before the Commission for examination. If your wife desires to present her application for identification as a Mississippi Choctaw she should appear before the Commission at its office in Atoka, Indian Territory, whenever she desires to do so, and a record will then be made of her case.

Yours truly,

Acting Chairman.

MC 1050  
MC 1051  
MC 1052  
MC 1053  
MC 1054



COMMISSIONERS.

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 1053

Muskogee, Indian Territory, November 7, 1902.

Sophonra C. Cagle,  
Midlothian, Texas.

Dear Madam:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel T. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

  
Acting Chairman.

Muskogee, Indian Territory, March 7, 1903.

J. T. Cagle,

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you state that your wife has made application for citizenship and that you want to know if the right has been proven and the evidence satisfactory.

In reply to your letter you are informed that on October 25, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by your wife, Sophronia C. Cagle for the identification of herself and minor children as Mississippi Choctaws.

On November 7, 1903, your wife was notified of such departmental action and the Commission now considers this case closed.

Respectfully,

Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURN TO WRITER.

Sophonias C. Cagle,

~~██████████~~, Texas.

*Lytton Springs - Texas.*



1053

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 5 1903

*[Signature]*

ACTING CHAIRMAN



No. 1053

For Identification as a Mississippi Choctaw.

Date NOV 21 1900

Name Sophronia C. Cagle.

Age 25 Blood 1/8

Post Office, Midlothian, Texas.

Father: Samuel Hartley - ✓

Mother: Margaret Hartley - dead

Claims through father.

HUSBAND:

James Cagle  
(No claim for husband)

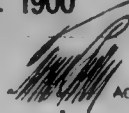
Children:

Hazel Cagle 6.  
Ressie " 2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 21 1900



ACTING CHAIRMAN.



NOTICE

NOTICE  
FOR OR

ATTORNEYS  
FOR NATIONS

JUL 11 1902

RECORD FI

ED DEPARTMENT.

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 7 1902

REFER TO M. C. R. 1050



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TEN.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Sophronia, C. Cagle,

Midlothian,

Tex.

*Reg 34*  
*No Registry*  
*Card returned*

Choctaw MCR 1054

Maggie J. Van Every

MCR 1054

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, NOVEMBER 21, 1900.

In the matter of the application for identification as Mississippi Choctaws of Maggie J. Van Every and her five minor children.

Melvin E. Van Every, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Melvin E. Van Every.  
Q Is it your desire to make application for the identification of your wife and minor children as Mississippi Choctaws? A Yes sir.  
Q How many children have you? A Five.  
Q What are their names and ages? A Minnie R.  
Q How old is she? A Sixteen.  
Q What is the next one? A Samuel.  
Q How old is Samuel? A Fourteen.  
Q The next one? A Willie, twelve.  
Q Next? A Eva.  
Q How old is that one? A Ten.  
Q The next one? A Myrtle.  
Q How old is Myrtle? A Age nine. months.  
Q Where is your wife? A In Maxwell Texas.  
Q Why cant she appear here in person? A On account of infant being sick.  
Q Have you a Doctor's certificate as to her inability to appear before the Commission? A No sir, but I can furnish it.  
Q What does her disability consist of? A Infant child being sick.  
Q She is not sick herself? A No sir, child is sick.  
Q Nothing the matter with her? A Infant child being sick.  
Q Have you got a power of attorney from your wife to appear for her? A No sir.  
Q Did she authorize you to make this appearance? A Yes sir.  
Q Any evidence of that fact? A No sir, not with me.  
Q Are you fully conversant with your wife's ancestors? A Very well as I lived with them part of the time, up to the time of her mother's death.  
Q Are you competent to testify as to your wife's residence in the state of Mississippi? A No sir, not more than she is. I suppose I could testify as much as she could on account of her mother having lived with us up to her death.  
Q You want to make application for the identification of your wife and minor children as Mississippi Choctaws? A Yes sir.  
Q Is the name of your wife or any of your minor children on any of the tribal rolls of the Choctaw Nation? A No sir.
- By the Com.: Tribal rolls of the Choctaw Nation, prepared by the authorities of the Choctaw tribe, now in the possession of the Commission examined and the names of none of the applicants found thereon.
- Q Have they ever been recognized by the tribal authorities of the Choctaw Nation as citizens of the Choctaw Nation? A No sir.  
Q Was an application ever made by your wife or by any one in her behalf or in behalf of her minor children to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

By the Commission:

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896 examined, and the names

Maggie J. Van Every-2

of none of the applicants found thereon.

Q Was your wife or your children ever admitted to citizenship by judgment of the United States Courts in Indian territory on appeal from the decision of the tribal authorities of the Choctaw Nation or of this Commission? A No sir.

By the Commission:

Record of persons admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory examined and the names of none of the applicants found therein.

Q Has any application ever been made prior to this time either to to the Choctaw tribal authorities or the authorities of the United States for citizenship or enrollment of your wife and minor children? A No sir.

Q This is the first application that has ever been made in their behalf? A Yes sir.

Q What is your wife's age? A Thirty two.

Q What is her post office address? A Maxwell, Texas.

Q Texas? A Yes sir.

Q How much Choctaw blood does she claim? A One eighth.

Q What was her father's name? A Ebenezer Denyer.

Q Is he living? A No sir.

Q What is your wife's mother's name? A Sarah Hartley Denyer.

Q Is she living? A No sir.

Q Through which one of her parents does she claim her Choctaw blood?

A Through her grandfather.

Q Her parents? A Her mother.

Q Was her mother's name ever on any of the tribal rolls of the Choctaw Nation? A No sir.

Q Was her mother ever recognized by any of the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.

Q Is the claim made by you for your wife and minor children as beneficiaries under the fourteenth article of the treaty of 1830?

A Yes sir.

Q Did your wife or any of her ancestors ever comply with the provisions of that article of that treaty? A No sir.

Q What is the name of your wife's ancestor who was a recognized citizen of the Choctaw Nation? A George W. Hartley.

Q What relation was he to your wife? A Grandfather.

Q Have you any evidence showing that George W. Hartley was a recognized member of the Choctaw tribe of Indians in Mississippi?

A No sir, no evidence at the present time.

Q When did he leave Mississippi? A I could not answer that question.

Q Do you know anything of his residence in Mississippi? A No sir.

Q Do you know whether he signified to the United States Indian Agent his intention to remain and become a resident of the state of Mississippi after the ratification of the treaty of 1830? A No sir.

Q Do you know whether he removed with the rest of the Choctaw Indians to the Choctaw Nation in Indian territory? A No sir, he didn't remove at that time.

Q Did any of your wife's ancestors ever claim or receive any lands under the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q When was you and your wife married? A Married in 1883.

Q Where? A Buda, Hayes County, Texas.

Q Are these five children living with you? A Yes sir.

Q Their residence is the same as yours? A Yes sir.

Q You and your wife live together? A Yes sir.

Q Is there any additional statement that you desire to make? A No sir, only that I will furnish the certificate as to the ill health of the child and the power of attorney from my wife.



Maggie J. Van Every-3

Q Is there any written evidence that you desire to file in support of this application for the identification of your wife and minor children as Mississippi Choctaws?

Here attorney for applicant asks leave to file additional testimony within fifteen days.

Examination by Mr. Hudson, attorney for applicant.

Mr. Van Every, is it your intention to remove to the Indian Territory in the near future for the purpose of establishing a residence and a home for yourself and family? A Yes sir.

By the Commission:

Permission is granted the attorney for the applicant to file additional testimony in support of this application provided the same is offered to the Commission for filing within fifteen days from the date hereof.

A copy of the decision of the Commission in regard to the application you make for the identification of your wife and minor children as Mississippi Choctaws will be mailed to you in near future to your present post office address?

Anna Bell, having been first duly sworn by Acting Chairman Tams Bixby, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony taken in the above entitled cause on November 20, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 27<sup>th</sup> day of December, 1900

  
Acting Chairman.

Muskogee, Indian Territory, March 19, 1901.

Messrs Hudson & Arnold,  
Ardmore, Indian Territory,  
Gentlemen:

The Commission is in receipt of your letter of March 11,  
inclosing the following papers for filing:

Certified copy of marriage license and certificate between  
Mr. J. C. Kelly and Miss Addie Gavy, which you desire to have filed  
in support of the application of James C. Kelley et al for identi-  
fication as Mississippi Choctaws.

Copy of marriage license and certificate between Edward C.  
Blakey and Miss Maggie Campbell to be filed in support of the claim  
of Maggie Blakey et al for identification as Mississippi Choctaws.

Certified copy of marriage license and certificate between  
Mr. M. E. Vanevery and Miss Maggie Denyer, to be filed in support of  
the application for identification as Mississippi Choctaws of Maggie  
Van Every et al.

These papers have been duly filed with the other records  
in the above named cases.

Yours truly,

Acting Chairman.

MC 377  
MC 890  
MC1054

COPY.

M.C.R. 1054,

Muskogee, Indian Territory, July 11, 1902.

Maggie J. Van Every,  
Maxwell, Texas.

Dear Madam:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel T. Hartley, et al.,	M.C.R. 1050
Robert H. Hartley, et al.,	M.C.R. 1051
Virginia Shultz, et al.,	M.C.R. 1052
Sophronia C. Cagle, et al.,	M.C.R. 1053
Caroline Taylor, et al.,	M.C.R. 1054
Maggie J. Van Every, et al.,	M.C.R. 1055
Samuel W. Benyer, et al.,	M.C.R. 1056
Eliza C. Reeves, et al.,	M.C.R. 1057

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

M J V H -----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Annie Hartley, Samuel H. Hartley, Eddie R. Hartley, Robert H. Hartley, Bessie Leanner Hartley, Youler May Hartley, Viola Hartley, Virginia Shultz, Birdie Shultz, Callie Shultz, Julia Shultz, Richard Shultz, Sophronia C. Cagle, Hazle Cagle, Dessie Cagle, Caroline Taylor, Maudie Viola Taylor, Claudie R. Taylor, Mattie A. Taylor, Jesse M. Taylor, Harline Taylor, ~~\_\_\_\_\_~~ Taylor (male infant unnamed) Maggie J. Van Every, Minnie M. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel W. Denyer, Alfred F. Denyer, Arthur L. Denyer, Addie E. Denyer, Zenobia C. Denyer, Lee C. Denyer, Samuel D. Denyer, William George Denyer, Melvin E. Denyer, Eliza G. Reeves, Nora Alice Reeves, Ada B. Reeves, and James Allen Reeves as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James D. Dixby*

Registered.

Acting Chairman.

M. C. R. 1054

COPY.

Muskogee, Indian Territory, November 7, 1902.

Maggie J. Van Every,  
Maxwell, Texas.

Dear Madam:

You are hereby advised that on the 26th day of October, 1902, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel F. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

*Tamm Dixie.*  
Acting Chairman.



REFUSED

DECISION RENDERED.

JUL 11 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 11 1902

RECORD FORWARDED DEPARTMENT.

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 1050

No. 1054

For Identification as a Mississippi Choctaw.

Date NOV 21 1900

Name Maggie J. Van Every.

Age 32 Blood 1/8

Post Office. Maxwell, Texas.

Father: Ebenezer Denyer - dead

Mother: Sarah H. " " - dead

Claims through mother.

HUSBAND:

Melvin E. Van Every.

Children:

Minnie R. Van Every 16

Samuel " " 14

Willie " " 12

Eva " " 10

Myrtle " " 8 mo.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 21 1900

Melvin E. Van Every appears for 5 minor children.  
ACTING CHAIRMAN.

Choctaw MCR 1055

Samuel W. Denyer

MCR 1055

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, NOVEMBER 21, 1900.

In the matter of the application for identification as  
Mississippi Choctaws of Samuel Denyer and his minor children.

Samuel Denyer, having been first duly sworn, testifies as  
follows:

Examination by the Commission.

- Q What is your name? A Samuel Denyer.  
Q What is your age? A Thirty four.  
Q Are you married? A Yes.  
Q Are you making any application for your wife? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A Eight.  
Q Are they all under twenty one years of age and unmarried? A Yes sir.  
Q What is your post office address? A Lytton Springs, Caldwell County  
Texas.  
Q Are you a resident of the state of Texas? A I am.  
Q How long have you resided there? A All my life.  
Q Never made a residence in the state of Mississippi or the Indian  
Territory? A No sir.  
Q How much Choctaw blood do you claim? A One eighth.  
Q What is your father's name? A Ebenezer A Denyer.  
Q Is he living? A No sir.  
Q What is your mother's name? A Sarah A. Denyer.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Mother.  
Q Was your mother ever on any of the tribal rolls of the Choctaw Na-  
tion? A No sir.  
Q Was she ever recognized by the Choctaw tribal authorities as a cit-  
izen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No sir.

By the Commission:

Tribal rolls of the Choctaw Nation, now in possession of  
the Commission, prepared by the authorities of the tribe  
examined, and the name of the applicants not found thereon.

- Q Have you ever made application to the Choctaw tribal authorities  
for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by any of the Choctaw tribal author-  
ities by any official act of their national council as a citizen  
of the Choctaw Nation? A No sir.  
Q Did you, or did any one in your behalf make application in 1896  
for citizenship in the Choctaw Nation under the act of Congress of  
June 10, 1896? A No sir.

By the Commission:

Record of applicants for citizenship in the Choctaw Nation  
made to this Commission in 1896 examined and the names of  
the applicants not found thereon.

- Q Have you ever been admitted to citizenship in the Choctaw Nation  
by a judgment of the United States Court in the Indian Territory on  
appeal from the decision of the Choctaw tribal authorities or of  
this Commission? A No sir.

By the Commission:

Record of persons admitted to citizenship in the Choctaw  
Nation by judgment of the United States Court in the Indian  
Territory examined and the names of none of the applicants  
found thereon.

Samuel Denyer-2

- Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for citizenship or enrollment in the Choctaw Nation? A No sir, none whatever.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified as a Mississippi Choctaw entitled to share in the lands of the Choctaw Indians under the treaty of 1830? A I am one eighth Choctaw through my mother.
- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim this right and who was a recognized member of the Choctaw tribe in Mississippi? A George W. Hartley.
- Q What relation is he to you? A My grandfather.
- Q Have you any proof of his relationship to you? A No sir.
- Q Did George W. Hartley signify to the United States Indian Agent after the conclusion of the treaty of 1830 between the United States and the Choctaw Indians his intention to remain in Mississippi and become a citizen of that state? A I don't know.
- Q How long did he remain in Mississippi after the conclusion of that treaty? A I don't know.
- Q Do you know anything of his residence in Mississippi? A No sir.
- Q Do you know anything of his being recognized as a Choctaw Indian, in Mississippi? A No sir.
- Q Did any of your ancestors ever claim or receive any land under the fourteenth article of the treaty of 1830? A Not to my knowledge.
- Q Do you make any claim by reason of any other treaty stipulations between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Alice G.
- Q Is she a white woman? A Yes sir.
- Q Are you making any claim for her? A No sir.
- Q Where did you marry her? A San Marcos, Bexar County, Texas.
- Q When? A 1883.
- Q Have you your marriage license and certificate with you? A No sir.
- By the Commission:
- It will be necessary for you to furnish the Commission with your marriage license and certificate in the matter of the application for identification of your minor children as Mississippi Choctaws.
- Q How many children have you under twenty one years of age and unmarried? A Eight.
- Q What are their names and ages? A Alfred E. age fourteen. Arthur E. age twelve, Addie E. ten; Zenobia G. eight. Lee G. six; Samuel D. four, William George, two; Melvin E. infant.
- Q How old? A One month.
- Q Is that all? A Yes sir.
- Q You are the father of these eight children? A Yes sir.
- Q Alice is the mother? A Yes sir.
- Q These children live with you at your home? A Yes sir.
- Q You and your wife are living together? A Yes sir.
- Q Is there any additional statement which you would like to make in support of your application, A No sir.
- Q Any written evidence which you desire to offer?

Here attorney for applicant asks leave to file additional



Samuel Denyer-3

testimony in support of this application within fifteen days.

By the Commission:

Permission is granted the attorney for the applicant to file additional testimony in support of this application, provided the same is offered for filing within fifteen days.

Examination by Mr. Hudson, attorney for applicant.

Q Mr. Denyer, you say you live in the state of Texas; is it your intention to remove to the Indian Territory to establish a home and residence there? A Yes sir.

By the Commission:

The decision of the Commission in regard to the application which you make for the identification of yourself and your minor children as Mississippi Choctaws will be mailed to you in writing in the near future to your present post office address.

Anna Bell, having been first duly sworn by Acting Chairman Tamm Bixby, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony taken in the above entitled cause on the November 21, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 27 day of December, 1900.

  
Acting Chairman.

Muskogee, Indian Territory, March 20, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 11, inclosing the following papers for filing:

Marriage license and certificate between J. E. Howell and Miss L. D. Sparks, to be filed in support of the application for identification as Mississippi Choctaws of Laura Howell, et al.

Certified copy of marriage license and certificate between Samuel William Denyer and Alice C. Gallihar, to be filed in support of the application of Samuel W. Denyer et al. for identification as Mississippi Choctaws.

Certificate of I. E. Rame, clerk county court, Johnson County, Tennessee, as to the marriage license between A. J. Snider and A. E. Dancy, to be filed in support of the application of Mandy Snider for identification as a Mississippi Choctaw.

The papers have been duly filed with the other records in these cases.

Yours truly,

Acting Chairman.

MC 791  
MCR 952  
MCR 1055

Muskogee, Indian Territory, October 11, 1901.

Mr. S. W. Denyer,  
Lytton Springs,  
Texas.

Dear Sir:-

Receipt is hereby acknowledged of your communication of September 29, 1901, in which you state that you are desirous of removing to the Indian Territory. That you appeared before this Commission last November to be identified as a Mississippi Choctaw and wish to know if it would be expedient for you to take up your residence in the Indian Territory in advance of the decision of the Commission.

In reply to your letter you are advised that it appears from our records that on November 21, 1900, Samuel W. Denyer appeared before the Commission at Muskogee, Indian Territory, and applied for the identification as Mississippi Choctaws of himself and eight minor children. No action has yet been taken in regard to this application or an opinion rendered. When a decision is reached, a copy of the same, stating fully therein the reasons for any action taken by the Commission, will be mailed to you at your present Post Office address.

It is not within the jurisdiction of this Commission to

S. W. D., #2.

determine the propriety of applicants for identification as Mississippi Choctaws removing to the Indian Territory, but it is presumed that when an allotment of the Choctaw-Chickasaw Nation is made, it will be to those citizens whose names appear upon the final rolls as approved by the Secretary of the Interior.

It does not appear from our records that you have ever been listed for enrollment as a citizen of the Choctaw Nation, but that your status is merely that of an applicant for identification as a Mississippi Choctaw.

Yours truly,

M.C.1055.

COPY.

M.C.R. 1055

Muskogee, Indian Territory, July 11, 1902.

Samuel W. Denyer,

Lytton Spring, Texas.

Dear Sir:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Cheetaws:

Samuel T. Hartley, et al.,	M.C.R. 1050
Robert H. Hartley, et al.,	M.C.R. 1051
Virginia Shultz, et al.,	M.C.R. 1052
Sophronia C. Gagle, et al.,	M.C.R. 1053
Caroline Taylor, et al.,	M.C.R. 1054
Maggie J. Van Every, et al.,	M.C.R. 1054
Samuel W. Denyer, et al.,	M.C.R. 1055
Eliza C. Reeves, et al.,	M.C.R. 1056

These applications were made under the provision of the act of Congress of June 20, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Ammie Hartley, Samuel H. Hartley, Addie R. Hartley, Robert H. Hartley, Bessie Leanner Hartley, Youler May Hartley, Viola Hartley, Virginia Shultz, Birdie Shultz, Callie Shultz, Julia Shultz, Richard Shultz, Saphronia C. Cagle, Hattie Cagle, Dossie Cagle, Caroline Tayler, Maudie Viola Tayler, Claudie R. Tayler, Mattie A. Tayler, Jesse M. Taylor, Earline Taylor, Taylor (male infant unnamed), Maggie J. Van Every, Minnie R. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel W. Denyer, Alfred P. Denyer, Arthur L. Denyer, Addie E. Denyer, Zenobia C. Denyer, Lee C. Denyer, Samuel D. Denyer, William George Denyer, Melvin E. Denyer, Eliza O. Reeves, Nora Alice Reeves, Ada B. Reeves, and James Allen Reeves as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

*Tamc Dixby.*

Acting Chairman.



M. C. R. 1055

COPY.

Muskogee, Indian Territory, November 7, 1902. ✓

Samuel W. Denyer,

Lytton Spring, Texas.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated base of Samuel T. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

(SIGNED)

*Tame Dixby.*

Acting Chairman.

M.C.R. 1055.

Muskogee, Indian Territory, November 25, 1902.

Samuel W. Denyer,  
Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you ask if the new evidence filed in your case by George M. Culbert is sufficient for your identification as a Mississippi Choctaw.

In reply you are informed that it does not appear from the records that George M. Culbert has filed any evidence in support of your claim, the only evidence therein being your own oral statement made by you at the time of presenting your application.

You are further informed that the Commission, on July 11, 1902, rendered its decision refusing the application made by you for the identification of yourself and children as Mississippi Choctaws, and on the same date you were notified by registered mail of the action of the Commission and of the forwarding of the records to the Secretary of the Interior for review.

On October 25, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application and on November 7, 1902, you were duly notified thereof.

The letters notifying you of the decision of the Commis-

S. W. D. ----2.

sion and of the action of the Secretary of the Interior in your case were forwarded to you at the last post office address given by you, Lytton Springs, Texas.

Respectfully,

---

Acting Chairman.

M.C.R. 1055.

Muskogee, Indian Territory, December 6, 1902.

S.W. Denyer.

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., in which you ask to be advised what evidence was filed in the consolidated Mississippi Choctaw case of Samuel W. Hartley, et al. You state that you employed Mr. George Colbert to file evidence in this case, and desire to know what he has done. You also state that you have several affidavits to file, and ask that you may appear in person to file the same.

In reply, you are informed that aside from oral statements of the several applicants included in this consolidated case and the certified copies of marriage records, the only evidence offered in support of this claim is the affidavit of George G. Colbert.

You are further advised that on October 25, 1902, the Secretary of the Interior approved the decision of this Commission refusing the applications of the several persons included in this consolidated case; and on November 7, 1902, you were duly notified of such departmental action.

B W D 2

The Commission considers this case closed, and cannot receive or consider further evidence in support thereof.

Respectfully,

Acting Chairman.

OFFICE OF DECISION MAILED AT DEPARTMENT  
FOR CHOCTAW AND CHICKASAW NATES

JUL 11 1902

RECORD FORWARDED DEPARTMENT

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATES

NOV 7 1902

REFER TO M. C. R. 1050



No. 1055

For Identification as a Mississippi Choctaw.

Date NOV 21 1900

Name Samuel W. Dwyer.

Age 34 Blood  $\frac{1}{8}$

Post Office Lytton Spring, Texas.

Father: Ophyer U. Ophyer-dead

Mother: Sarah A. Dwyer-dead

Claims through mother.

WIFE:

Alice B. Dwyer.-  
(No claim for wife)

Children:

Alfred F. Dwyer 14.

Arthur L. " " 12.

Addie B. " " 10.

Genobia C. " " 8.

Lee C. " " 6.

Samuel D. " " 4.

William G. " " 2.

Melvin E. " " 1 mo.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 21 1900



ACTING CHAIRMAN.

Caney J.T.

Dec 4<sup>th</sup> '02

Commissioner to the Fine Arts &  
Museum J.T. Fife

Gentlemen

Will you please inform me  
what evidence has been  
filed in the case of S.T.  
Hartley, et al et al (M.C.A.  
1050) since April 1<sup>st</sup> 1902  
and its return? Has there at  
any time been a separate <sup>or new</sup> case  
made of S.T. Hartley?

We have trusted to Mr George  
Calbert, to file our evidence and  
represent us before your honorable  
body, and some consideration being  
made as to Mr Calbert's ability  
or liability to properly discharge  
this duty, would respectfully ask  
for such information as you

Think we (The heirs of S. J. Hottel  
and his sister Sarah Ann Hottel  
nee Dwyer nee Foster) are en-  
titled to. I have several affidav-  
its to file in this case and would  
thank you to state when I may  
appear before your Honor <sup>in Person</sup> if  
necessary and file same  
an early reply would be ap-  
preciated by yours Very Respectfully  
S. H. Dwyer. (1885)

Leamy

Incl Len

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COMMISSION TO FIVE TRIBES.

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Caney, I. T.,

December 4, 1902.

CHOCTAW

Asks what evidence has  
been filed in case of S. H.  
Hartley, et al, and when he  
may appear before the Commis-  
sion.

W.C.N. 1050  
1055

Choctaw MCR 1056

Cyrus H. Fix

See MCR 4431, 1065, 1096

4205, 4413, 4414, 4415, 4416

4417, 1024, 1095, 4204

MCR 1056

MISSISSIPPI UNION PACIFIC  
*Cyrus H. Fix et al*

REFUSED

DECISION RENDERED.

JUN 10 1902

NOTICE OF DECISION MAILED APPLICANT.

JUN 20 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

JUN 26 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 20 1902

RECORD FILED IN DEPARTMENT.

JUN 20 1902

ACTION AFFIDAVIT FOR DEPARTMENT OF INTERIOR

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION  
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NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
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NOV 15 1902

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4417.1024.1095.4204.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Cyrus H. Fix, et al., for identification as Mississippi Choctaws, consolidating the applications of

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Mary J. Wood, et al.....	M.C.R.	4431
Cyrus L. Fix.....	M.C.R.	1065
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Isador Bush.....	M.C.R.	4416
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Jesse Fix, et al.....	M.C.R.	1024
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Cyrus H. Fix, et al.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
NOVEMBER 21, 1900. MUSKOGEE.

In the matter of the application for identification as Mississippi Choctaws of Cyrus H. Fix and his three minor children.

Cyrus H. Fix, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Cyrus H. Fix.  
Q What is your age? A Fifty nine.  
Q What is your post office address? A Canadian, Choctaw Nation.  
Q How long have you been a resident of the Indian Territory?  
A I think about nine or ten years.  
Q Have you maintained a continuous residence in the Indian Territory for that length of time? A Well, I have been away some, but my residence--  
Q What do you mean by being away? A Oh, I have not been away more than three or four weeks at a time.  
Q Not made a residence away? A No.  
Q Where did you live prior to coming here? A Osage County, Kansas.  
Q How long did you live in Kansas? A Ever since '56.  
Q Where did you live prior to that time? A Illinois.  
Q Born in Illinois? A Yes sir.  
Q Never lived in Mississippi? A No sir.  
Q Did any of your ancestors ever live in Mississippi, A None but my grandfather.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A William Fix.  
Q Is he living? A No, he is dead.  
Q What is your mother's name? A Delila Fix. Delila Simons.  
Q Is she living? A No, she is dead, too.  
Q Through which one of your parents do you claim your Choctaw blood?  
A ~~THROUGH~~ My mother.  
Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A Not that I know of.  
Q Was she ever recognized by the Choctaw tribal authorities?  
A No sir, not that I know of.  
Q Is your name on any of the Choctaw rolls? A No sir.

By the Commission:

Tribal rolls of the Choctaw Nation now in the possession of the Commission, prepared by the authorities of the Choctaw Nation, examined, and the names of none of the applicants found thereon.

- Q Have you ever been recognized by the Choctaw Nation by any official act of their national council as a citizen of the Choctaw Nation?  
A No sir, I have not.  
Q Have you or any of your children ever been admitted to citizenship by this Commission under the act of June 10, 1896? A No sir.

By the Commission:

Record of persons admitted to citizenship in the Choctaw Nation by this Commission in 1896 examined and the names of none of the applicants found thereon.

- Q Were you or your children admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No was that?  
Q Have you or your children ever been admitted to citizenship by judgment of the United States Courts in Indian Territory? A No sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q Have you ever prior to this time made application to either the

- authorities of the Choctaw Nation or the United States for citizenship or enrollment in the Choctaw Nation? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q Are you making application under the provisions of the 14th article of the treaty of 1830? A That is how I am making.
- Q You claim through your mother? A Yes sir.
- Q Was your mother a recognized citizen of the Choctaw Nation in Mississippi in 1830? A I don't think so.
- Q Was she a resident of Mississippi in 1830? A No sir, she lived in Indiana.
- Q When did you say she died? A She died in Kansas about eight years ago.
- Q How old was she? A She must have been pretty well up to sixty five or seventy. It is all guess work, because we didn't any of us know her age.
- Q If she had been living she would have been in the neighborhood of seventy eight? A Yes, about seventy eight.
- Q And she never lived in Mississippi? A No, I don't think she did.
- Q Through whom do you claim this right to identification as a Mississippi Choctaw? A Through my mother was ~~xxxxxxxxxxxx~~ a quarterblood.
- Q Your mother never lived in Mississippi? A No sir.
- Q She was living at the time of the ratification of the treaty of 1830? A I claim it through my grandfather.
- Q What was your grandfather's name? A Peter Picayune.
- Q Was Peter Picayune a recognized member of the Choctaw tribe of Indians in Mississippi? A I think he was.
- Q You have stated that your mother who was Delila Simons--
- A No her grandfather was Peter Picayune.
- Q Well, then, he is your great grandfather? A Yes.
- Q Well, are not you getting back of 1830? A Her grandfather was Peter Picayune? A Yes, your great grandfather. You state that your mother who would have been, according to your testimony about eight years old in 1830, never resided in Mississippi? A No
- Q Did her parents ever live there? A Her grandfather lived there.
- Q Did her parents ever live there? A No, I think not.
- Q But the party that you claim this right to identification through was Peter Picayune? A Yes.
- Q Do you claim that he was a recognized member of the Choctaw tribe of Indians in 1830? A I think so, I am not sure whether he was recognized now or not.
- Q We are talking about a specific date. Now in 1830 was Peter Picayune a recognized citizen of the Choctaw Nation? A I don't know, I don't hardly believe he was.
- Q Do you know when Peter Picayune died? A No, I don't.
- Q Do you know anything of his residence as a Choctaw Indian in Mississippi. A Nothing only from what my mother says.
- Q You know that your mother nor her parents ever lived in Mississippi? A Why I don't think they ever did.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A In Mississippi?
- Q Yes sir? A Not that I know of.
- Q Are you making any claim under any other treaty stipulation entered into between the United States and the Choctaw tribe of Indians? A No sir.
- Q Are you married? A Yes.
- Q What is your wife's name? A My present wife.
- Q Yes sir. A Her name is Katie Fix.
- Q Are you making any claim for her? A No.
- Q She is a white woman? A Yes.
- Q Is she the mother of the three children for whom you are making application? A No the mother of the three children has been dead about four years.

Cyrus H. Fix-3

- Q Who is the mother of the children? A Her name was Mary A. Fix.  
Q She is dead, is she? A Yes sir.  
Q She is the mother of all three of your children for whom you want to make application? A Yes sir.  
Q What are your children's names and ages? A The first one is Sarah M.  
Q How old is she? A Twenty years old.  
Q The next one? A James E.  
Q How old is he? A He is eighteen.  
Q The next one? A Laura; Laura Fix.  
Q How old is Laura? A Sixteen.  
Q That is all, is it? A Yes.  
Q You are the father of these three children? A Yes sir.  
Q These children all live with you at your home? A Yes sir.  
Q Their residence is the same as yours? A Yes sir.  
Q Is there any additional statement that you desire to make in support of this application? A I don't know that there is.  
Q Is there any written evidence that you desire to offer this Commission for consideration in support of your application? A Yes, I would like to put in some written statements, affidavits or whatever you call them.

By the Commission:

The Commission will grant you fifteen days time within which to offer written evidence in support of your application.

The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post office address.

Anna Bell, having been first duly sworn by Acting Chairman Tams Bixby, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all testimony taken in the above entitled cause on the 21st day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 27<sup>th</sup> day of December, 1900.

  
Acting Chairman.



*Cause.*

*C. v. W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Cyrus H. Fix, et al., for identification as Mississippi Cheetaws, consolidating the applications of

Cyrus H. Fix, et al.,	M.C.R.	1056
Mary J. Wood, et al.,	M.C.R.	4431
Cyrus L. Fix,	M.C.R.	1068
Sarah Myrtle Bauman, et al.,	M.C.R.	1096
Delila Jane Bush, et al.,	M.C.R.	4208
William H. Bush,	M.C.R.	4413
Delila J. Weis,	M.C.R.	4414
John H. Bush,	M.C.R.	4418
Lucy Mitchell, et al.,	M.C.R.	4204
Isador Bush,	M.C.R.	4416
Hera Navarre,	M.C.R.	4417
Jesse Fix, et al.,	M.C.R.	1084
William H. Fulton, et al.,	M.C.R.	1098.

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Cheetaws were made to this Commission by Cyrus H. Fix for himself and his three minor children, Sarah M., James E. and Laura Fix; by Mary J. Wood for herself and her two minor children, Ivy Olah and Jessie E. Wood; by Cyrus L. Fix for

(2).

himself; by Sarah Myrtle Bauman for herself and her three minor children, Charles Benjamin, Leslie Raymer and Viola May Bauman; by Delila Jane Bush for herself and her minor child, Gracie Helen Bush; by William H. Bush for himself; by Delila J. Weis for herself; by John N. Bush for himself; by Lucy Mitchell for herself and her three minor children, Laurence, Lulu and Wayne Mitchell; by Isador Bush for himself; by Nora Navarre for herself; by Jesse Fix for himself, his wife, Susan E. Fix, and his four minor children, Phillip, Clara, Robert and Gertie Fix; and by William H. Fultz for himself, his wife Emma Fultz, and his four minor children, Louis A., Goldie E., Essie H. and Katie F. Fultz, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants, excepting Susan E. Fix (nee Fultz) and William H. Fultz, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Peter Picayune, who is alleged to have been a fullblood Choctaw Indian and to have resided in Mississippi in 1830. Applicants Susan E. Fix (nee Fultz) and William H. Fultz claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jacob Paten (or Patton), who is alleged to have been a Choctaw Indian (degree of

(3).

blood not given), and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It appears from the evidence offered in support of the applications herein that a less remote ancestor of applicants, Cyrus H. Fix, et al., Mary J. Wood, et al., Cyrus L. Fix, Sarah Myrtle Bauman, et al., Delila Jane Bush, et al., William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, et al., Isador Bush, Nora Navarre and Jesse Fix, et al., than Peter Picoyune, was living and the head of a family in 1830, to-wit; Delila Fix (nee Simons), grand-daughter of Peter Picoyune; hence, in order that any applicant above mentioned may be identified as a Mississippi Choctaw, it is incumbent upon that applicant to show upon the part of the said Delila Fix (nee Simons), from whom said applicants are descended, compliance or attempted compliance with the provisions of article fourteen of the "Treaty of Dancing Rabbit Creek." It does not appear, however, from the testimony and evidence offered in support of said applications, and from the records in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that

(4).

the said Delila Fix (nee Simons) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513). And, it does not appear from the testimony and evidence offered in support of the applications of Susan E. Fix (nee Fultz), and William H. Fultz, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jacob Paten (or Patton), or either of the applicants Susan E. Fix (nee Fultz) or William H. Fultz, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842 (5 Stats., 513). While the conclusion is irresistible from the testimony and evidence submitted herein that applicant Emma Fultz (nee Finks) had less remote ancestors who were living in 1830, than Peter Picayune, from whom she claims, there is no testimony upon which to base a conclusion as to the identity of such ancestors, nor does it appear from the testimony and evidence offered in support of these applications or the application of said Emma Fultz (nee Finks), or from the records in the possession of the Commission relating to these persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore

(3).


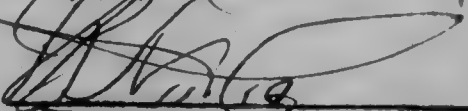
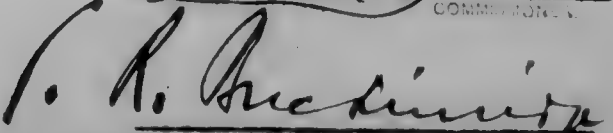
were claimants thereunder that the said Peter Picayune or any of his descendants, ancestors of applicant Emma Fultz (nee Pinks), or the applicant herself, identified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah H. Fix, James F. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Rayner Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John W. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fultz, Emma Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie P. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JUN 10 1902.

  
\_\_\_\_\_  
ACTING CHAIRMAN.  
  
\_\_\_\_\_  
COMMISSIONER.  
  
\_\_\_\_\_  
T. R. Harrison.  
COMMISSIONER.

Muskogee, Indian Territory, December 6, 1900.

Mrs. Marge Pierce,

Council Grove, Kansas.

Dear Madam:

The Commission is in receipt of your letter of November 30th in regard to your brothers, Cyrus H. and Jesse Fix, who made application to this Commission for identification as Mississippi Choctaws. Your letter has been filed and made a matter of record with the Commission.

You are informed that on November 9th, Jesse Fix, 47 years of age, of Canadian, Indian Territory, appeared before the Commission at Muskogee, and made application for the identification of himself, his wife, and his four minor children, as Mississippi Choctaws.

On November 21st, Cyrus H. Fix appeared before the Commission at Muskogee, and made application for the identification of himself and his three minor children as Mississippi Choctaws.

The Commission has not as yet rendered any decisions in these cases but contemplates doing so in the near future when a copy of the decision will be mailed the applicant in each case stating fully therein the reason for any action that may be taken by the Commission.

Yours truly,

Acting Chairman.

M. C. R-1024  
M. C. R-1056



Muskogee, Indian Territory, January 8, 1901.

Mrs. Marie Pierce,

Box 405,

Council Grove, Kansas.

Dear Madam:

The Commission is in receipt of your letter of December 10th relative to the application for identification as Mississippi Choctaws of Jesse and Cyrus H. Fix and in which you state that you are of the opinion that a grave mistake has been made some where as you did not write a letter to this Commission relative to your brothers' rights to enrollment in the Choctaw Tribe of Indians.

You are informed that the Commission has among its records a letter written from Topeka, Kansas, November 30th, 1900, and signed by Mrs. Marie Pierce, Council Grove, Kansas and Mrs. Delila Burk, Reseville, Kansas and is as follows:

" Their claim would be unjust. To the Dawes Commission: Sir The Fix Brothers that are making application for to be recognized as Choctaw Indians have no Indian blood in them as their mother was our mother and she was a pure good white woman. I dont see how they can get evidence unless the parties are purging themselves and undoubtedly they will do so as they could not get proof unless they would swear to many falsehoods. I don't want them to disgrace our poor old mother for we have all of us always lived in Kansas for 42 year, never lived any place else since we came from Virginia and I dont see what they mean to swear as they would have to this is all the truth and we will make affidavit to that effect. We met in Topeka."

Your letter of recent date denying that you forwarded such a communication to the Commission has been filed with the other papers in the matter of the application for identification of



Mr. M P 2

your brothers as Mississippi Choctaws and will receive the consideration of the Commission in the disposition of their claims.

Yours truly,

Acting Chairman.

M. C. R-1056

M. C. R-1024

(COPY)

DEPARTMENT OF THE INTERIOR.

Land  
37021-1902.

Office of Indian Affairs.

Washington,

August 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Cyrus H. Fix, et al.

The following cases are consolidated therein.

Cyrus H. Fix, et al.,  
Mary J. Wood, et al.  
Cyrus L. Fix  
Sarah Myrtle Bauman, et al.  
Delila Jane Bush, et al.  
William H. Bush  
Delila J. Weis  
John H. Bush  
Lucy Mitchell, et al.  
Isador Bush  
Nora Navarre  
Jesse Fix, et al.  
William H. Fultz, et al.

All of the applicants in this case, as shown by the record evidence, claim to have derived their alleged Indian blood from a common ancestor, Peter Picayune, except the applicants, Susan E. Fix nee Fultz and William H. Fultz who claim to be descendants of a common ancestor known as Jacob Paten (or Patton)

There is no testimony submitted by any of the applicants which tends to prove that their ancestors ever complied with the provisions of the 14th article of the treaty of 1830. The surnames Fix, Simons, Picayune and Paten or Patton appear from the record evidence to be the names of possible ancestors of the applicants; but their evidence proves nothing definite relative to any of their said alleged ances-

DEPARTMENT OF THE INTERIOR.  
Washington.

J.E.H.

D.C. 21322  
I.T.D. 4941-1902.  
File 896-1898,  
L.R.S.

November 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

June 20, 1902, you transmitted the record in the consolidated case involving the application of Cyrus H. Fix for himself and his three minor children, Sarah M., James E., and Laura Fix; of Mary J. Wood for herself and her two minor children, Ivy Olah and Jessie E. Wood; of Cyrus L. Fix for himself; of Sarah Myrtle Bauman for herself and her three minor children, Charles Benjamin, Leslie Raymer and Viola May Bauman; of Delila Jane Bush for herself and her minor child, Gracie Helen Bush; of William H. Bush for himself; of Delila J. Weis for herself; of John N. Bush for himself; of Lucy Mitchell for herself and her three minor children, Laurence, Lula and Wayne Mitchell; of Isador Bush for himself; of Nora Navarre for herself; of Jesse Fix for himself, his wife, Susan E. Fix, and his four minor children, Phillip, Clara, Robert and Gertie Fix; and of William H. Fultz for himself, his wife Emma Fultz, and his four minor children, Louis A., Goldie E., Essie H. and Katie F. Fultz, for identification as Mississippi Choctaws, including your decision of June 10, 1902, refusing to enroll the applicants.

The said Cyrus H. Fix and Delila Jane Bush attempt to trace their descent through their mother, Delila Fix, formerly Simon or Simons, to Sarah Simon or Simons, formerly Sarah Picoayune. The latter was the daughter of one Peter Picoayune, an alleged full blood Mississippi Choctaw.

M C R 1056

COPY.

Muskogee, Indian Territory, November 15, 1902.

Cyrus H. Fix,

Canadian, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

(SIGNED)

*Tamr Dixby.*

Acting Chairman.

M C R 1056

COPY.

Muskogee, Indian Territory, November 15, 1902.

S. Heard,

Attorney at Law.

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 26th day of June, 1902 .

Respectfully,

(SIGNED)

*Tamm Dickey*

Acting Chairman.

tors. The Office records have been examined, and it appears from them that no person by the name of Fix, Simons, Picayune, Paten or Patton ever complied with the provisions of said article or ever received land or scrip as beneficiaries thereunder.

The office calls especial attention to the letter of Mrs. Maria Pierce, copied on page 80 of the record, although the same cannot be considered as evidence in the case.

In the opinion of the office there is no evidence in the record which supports the claim of any of these applicants and that the decision of the Commission finding that the evidence is insufficient to determine the identity of the applicants as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation is correct and should be approved, which action is hereby recommended to the Department.

Very respectfully

Your obedient servant,

Acting Commissioner.

W.C.B.  
-C'g.-

4/11/02

COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.1086

ALLISON I. AYLESWORTH  
SECRETARY

ADDRESS ONLY  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 20, 1902.

Cyrus H. Fix,

Canadian, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus H. Fix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus H. Fix, et al.,	M.C.R.1056,
Mary J. Wood, et al.,	M.C.R.4431,
Cyrus L. Fix,	M.C.R.1068,
Sarah Myrtle Bauman, et al.,	M.C.R.1096,
Delila Jane Bush, et al.,	M.C.R.4208,
William H. Bush,	M.C.R.4413,
Delila J. Weis,	M.C.R.4414,
John H. Bush	M.C.R.4415,
Lucy Mitchell, et al.,	M.C.R.4204,
Isador Bush,	M.C.R.4416,
Nora Navarro,	M.C.R.4417,
Jesse Fix, et al.,	M.C.R.1024,
William H. Fultz, et al.,	M.C.R.1095.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between



Cyrus H. Fix--2.

the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah M. Fix, James E. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Raymer Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, Laurance Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fults, Emma Fults, Louis A. Fults, Goldie E. Fults, Essie H. Fults and Katie F. Fults as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.



Commissioner in Charge.

COPY.

M.C.R.1066

Muskogee, Indian Territory, June 20, 1908.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw & Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus E. Pix, et al., embracing the following applications for identification as

Mississippi Choctaws:

Cyrus E. Pix, et al.,	M.C.R.1056,
Mary J. Food, et al.,	M.C.R.4431,
Cyrus E. Pix,	M.C.R.1066,
Sarah Murtle Bauman, et al.,	M.C.R.1076,
Delila Jane Bush, et al.,	M.C.R.4208,
William H. Bush,	M.C.R.4413,
Delila J. Weiss,	M.C.R.4414,
John H. Bush,	M.C.R.4415,
Lucy Mitchell, et al.,	M.C.R.4204,
Isador Bush,	M.C.R.4416,
Nora Navarre,	M.C.R.4417,
Jesse Pix, et al.,	M.C.R.1024,
William H. Peltz, et al.,	M.C.R.1096,

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus E. Fix, Sarah M. Fix, James E. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Rayner Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Feis, John N. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fultz, Emma Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie E. Fultz, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED - *T. B. Needles.*

Registered.

Commissioner in Charge.

COPY.

M.C.R.1086

Muskogee, Indian Territory, June 20, 1902.

Cyrus H. Pix,

Canadian, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus H. Pix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus H. Pix, et al.,	M.C.R.1056,
Mary J. Wood, et al.,	M.C.R.4431,
Cyrus L. Pix,	M.C.R.1065,
Sarah Myrtle Bauman, et al.,	M.C.R.1096,
Delila Jane Bush, et al.,	M.C.R.4205,
William H. Bush,	M.C.R.4413,
Delila J. Weis,	M.C.R.4414,
John H. Bush	M.C.R.4415,
Lucy Mitchell, et al.,	M.C.R.4204,
Isador Bush,	M.C.R.4416,
Nora Navarre,	M.C.R.4417,
Jesse Pix, et al.,	M.C.R.1024,
William H. Fultz, et al.,	M.C.R.1095.

These applications were made under the provision of the act of Congress of June 26, 1898, (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between

COPY.

M.C.R.1086.

Muskogee, Indian Territory, June 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Cyrus H. Fix, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 10, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Cyrus H. Fix, et al.,	M.C.R.1056.
Mary J. Wood, et al.,	M.C.R.4431.
Cyrus H. Fix,	M.C.R.1065.
Sarah Myrtle Bauman, et al.,	M.C.R.1096.
Delila Jane Bush, et al.,	M.C.R.4205.
William H. Bush,	M.C.R.4413.
Delila J. Weis,	M.C.R.4414.
John H. Bush,	M.C.R.4415.
Lucy Mitchell, et al.,	M.C.R.4204.
Isador Bush,	M.C.R.4416.
Nora Navarro,	M.C.R.4417.
Jesse Fix, et al.,	M.C.R.1024.
William H. Fultz, et al.,	M.C.R.1095.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney

COPY.

-2-

of record and the attorneys for the Oneida and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

COPY.

M C R 1056

Muskogee, Indian Territory, November 15, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by mail on the 20th day of June, 1902.

Respectfully,

SIGNED

*James H. Smith*  
Acting Chairman.



REFER TO M. C. R. 1006

*Cyrus H. Fitch*

*Consolidated Case*

Peter Picayune.  
free

Sarah Picayune  
Mar  
— Simon

Delila Simons  
mar  
William Fix, Jr

MR. [unclear]

Jesse Fix 47 1/4  
wafi

Ship Fix 20

Clara Fix 19

Robert Lee 15

Gertie Aug 5

Susan E. Fuetz 116

Jacob Pater  
on Pater 34

Elizabeth Paten  
mar <sup>or</sup> Patton  
David Fullin

max 2

William H. Feltz 37 1/2  
wife

Louis A. Fultz 8

Goldie & Fretz 6

Essie H. Foster 4

Nov 7 1904

Peter Picayune  
Lucie

2

Henry Fricks  
wife  
Emily Fricks

Emma Fries  
or Fie 1/10  
Claims for me

Station 7. Fifty

Peter Picayune  
full,  
father of

Sarah Picayune  
mar  
Simons

Delila Simons  
mar.

William Fix, w

1056

Cyrus H. Fix 59 1/6

wife

1st Mary A. Fix, dead

2nd Katie Fix, w.

Mary J. Fix 31 1/6

mar.

John E. Wood

Irak Clark Wood 11 ①

Jessie E. Wood 10

Cyrus L. Fix 26 1/6

wife

Susie A. Fix, w.

Sarah Myrtle Fix 24 1/6

mar

George Benjamin Bauman, w.

Charles Benjamin Bauman 5

Hessie Kaymer Bauman 3

Zola Mary Bauman 1

Sarah M. Fix 20

James E. Fix 18

Laura Fix 16

William H. Bush 30 1/6

Delila J. Bush 29 1/6

mar

Joseph C. Weis

John N. Bush 28 1/6

wife

Katie Bush

1057

Delila Jane Fix 53 1/6

mar

John Bush, w

Luey. Bush 26 1/6

mar

Isaac Mitchell, w.

Lawrence Mitchell 5

Lula Mitchell 3

Wayne Mitchell 1

Isador Bush 24 ?

wife

Rachel Bush

Nora Bush 20 ?

mar

Edward Navarre

Keracie Helen Bush 15

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Reg 17/15

9060

Cyrus H. Fitt

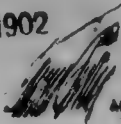
Canadian

J. J.

1056  
~~4431~~

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

AUG 1 1902



ACTING CHAIRMAN



No. 1056

For Identification as a Mississippi Choctaw.

Date **NOV 21 1900**

Name *Cyrus H. Dix*

Age *59* Blood *1/16*

Post Office, *Canadian, I. T.*

Father: *William Dix - dead*

Mother: *Delia Dix - dead*

Claims through *mother.*

WIFE: *Katie Dix*  
(No claim for wife).

Children:

*Sarah M. Dix 20.*

*James E. " 18.*

*Laura " 16.*

MOTHER: *Mary A. Dix - dead*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 21 1900**

*[Signature]*  
ACTING CHIEFMAN.

Choctaw MCR 1057

MCR 1057

James McNeely

See MCR 1058



*James McNeely*

REFUSED

DECISION RENDERED. JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT:

JUL 12 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

JUL 12 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT:

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

OCT -3 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 15 1902

REFER TO M. C. R. 105Y

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. November 22nd, 1906.

IN THE MATTER OF THE APPLICATION FOR THE IDENTIFICATION OF MISSISSIPPI CHOCTAWS OF JAMES McNEELY AND HIS MINOR CHILD.

James McNeely, being duly sworn, testified as follows:

Examination-----By The Commission.

Q What is your name? A James McNeely.

Q What is your age? A Thirty-four.

Q What is your post office address? A Cliff I.T.

Q Are you a resident of the Indian Territory? A Yes, sir.

Q How long have you resided here? A I just moved here this fall.

Q Is that the only residence you have ever had here?

A Yes, sir.

Q Where did you remove from to the Indian Territory? A Texas.

Q How long were you a resident of the State of Texas? A I was born and raised there.

Q You lived all your life there until you removed here?

A Yes, sir.

Q Did you ever live in Mississippi? A No, sir.

Q Are you making application as a Mississippi Choctaw? A Yes, sir.

Q How much Choctaw blood do you claim? A One-eighth.

Q What is your father's name? A Robert McNeely.

Q Is your father living? A No, sir; he is dead.

Q Is your mother living? A Yes, sir.

Q What is her name? A Sarah Elizabeth Suggs. She has married again.

Q By which one of your parents do you claim your Choctaw blood?

A Through my father.

Q Your mother is a white woman? A Yes, sir.

Q How long has your father been dead? A He has been dead about fifteen years.

Q Was he ever recognized by the Choctaw tribal authorities during his lifetime as a citizen of the Choctaw Nation? A I declare I don't know.

Q Where did he live? A He lived in Texas.

Q All his life? A Why he came from Mississippi there with his parents and mother from Mississippi.

Q Did he come from Mississippi? A I don't know whether he came from Mississippi or whether he was born after they came to Texas or not. I know nothing about it only just what I have been told.

Q He was never recognized by the Choctaw tribal authorities in the Indian Territory as a citizen of the Choctaw Nation, was he? A No, sir; I reckon not.

Q He never was a resident of the Indian Territory? A No, sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.

Q Have you ever made application to the Choctaw Tribal authorities in the Indian Territory for citizenship in that Nation? A No, sir.

Q Have you ever been recognized by the Choctaw Tribal authorities by any official act of their National Council as a citizen? A No, sir; I reckon not.

Q Are you in doubt about it? Why do you say you reckon not?

A Why, I just don't quite understand the question.

James McNeely et al----2.

Q Did the Choctaw National Council in any manner ever recognize you as a citizen of the Choctaw Nation by any official act of theirs? Did they ever grant you any rights of citizenship? A I can't answer that because I don't understand. I don't know anything about it.

Q Did you, or did any one for you in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir; I think not.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court of the Indian Territory? A No, sir; I think not.

MR. E. M. WISDOM (Of counsel for applicant) This is the first application. That is the fact about it.

Q Have you ever previous to this time made application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw?

A No, sir.

Q This is your first application of any description? A Yes, sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw Nation lands under the provisions of the 14th article of the treaty of 1830? A I don't understand.

Q Why do you believe you are entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A I don't know.

MR. E. M. WISDOM (Of counsel for applicant) Why do you believe you are an Indian? A Why I have been taught that. I have heard my parents say it, and besides I got it from my grandmother.

Q Are you making your application as a beneficiary under the 14th article of the treaty of 1830? A I am barred again. I don't know whether that is right or not. I don't know.

Q What are you making your application under then?

A Read that again please, I mean come over the same thing again.

Q Are you making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with that article of that treaty? A I don't clear understand that.

Q I will read that article to you now. The 14th article of the treaty of 1830 provides---I will tell you first the treaty of 1830 was made between the United States and the Choctaw Indians and provided for the removal of the Choctaw Indians in the State of Mississippi to the country now in the Indian Territory, but the United States government conceded to certain of these Indians the right to remain in Mississippi if they desired to do so, and in the treaty under which they were removed from the State of Mississippi to the Indian Territory, inserted this clause:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ~~under~~ over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending

James McNeely et al---3.

to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." What was the name of your ancestor who was a resident of the State of Mississippi and a recognized member of the Choctaw tribe of Indians at the time this treaty was entered into between the United States and the Choctaw Indians? A Why, I don't understand that.

Q What was the name of your ancestor-----

A (interrupting) What is ancestor?

Q Your father, your grandfather, or any of your people who went before you. A Yes, sir; he was one of the old ones. My grandmother was a Franklin from the Watson family.

Q What was the name of your ancestor who was living in Mississippi in 1830 and who was a recognized member of the Choctaw tribe of Indians at the time this treaty was entered into seventy years ago. A I just don't understand that.

Q Do you know who was your ancestor, that is your grand father or anything of that kind, or your grandmother, living in Mississippi in 1830? (No Response)

MR. DAVIS HOMER: (Of Counsel for Applicant.) What was your grand mother's name? A Her name was Lucinda. Her name was Franklin before she was married to grandfather.

Q What was her full name A Lucinda.

Q Before she was married? A Yes, sir.

Q Then it was Lucinda McNeely. Was she a recognized member of the tribe of Choctaw Indians in Mississippi in 1830? A I have been told that.

Q Have you any evidence of that fact? A I have just been informed that way.

Q Where did she die? A I think she died in Anderson County.

Q What State? A Texas.

Q When did she leave Mississippi? A I don't know sir, how long it has been.

Q You stated that you had lived in Texas thirty-four years? A Yes, sir.

Q You were born there? A Yes, sir.

Q How long did your parents live in Texas? A I don't know how long they lived there. I lived there all my life.

Q When did your parents come to Texas? A I don't know, sir.

Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi, after the ratification of the treaty of 1830, their intention to remain and become citizens of the State of Mississippi? A I don't understand that either. That is, I don't know the meaning of it.

Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi, their intention to remain in Mississippi and become citizens of that State? A I don't know sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know sir.

Q State all you know about your ancestors residence and recognition as Choctaw Indians in Mississippi. A I don't know very much to state.

Q You are making your claim solely as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q You don't claim under any other treaty stipulations between the United States and Choctaws? A No, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A Serene McNeely.

Q Is your wife living? A Yes, sir.

Q You are not making any claim for her? A No, sir.

Q Is she a white woman? A Yes, sir.

Q Has she ever made any claim to Indian citizenship by blood?

A No, sir.

Q Where did you marry her? A In Wise County Texas.

Q When? A In 1893.

Q Under the laws of the State of Texas? A Yes, sir.

Q Have you a marriage license and certificate? A Yes, sir.

BY THE COMMISSION: It will be necessary for the Commission to be supplied with these in the matter of your application for the identification of your minor child.

Q What is the name of your child? A Fred.

Q How old is he? A Five years old.

Q Is this the only child you have? A Yes, sir.

Q Are you the father? A Yes, sir.

Q Is Serene McNeely the mother? A Yes, sir.

Q Are you and your wife living together? A Yes, sir.

Q Is the child living with you? A Yes, sir.

Q Its residence is identically the same as yours? A Yes, sir.

Q Is there any additional statement you desire to make in support of the application you make on behalf of your minor child?

A No, sir; not that I know of.

Q Is there any written evidence you desire to submit to the Commission in support of your application? A Yes, sir.

BY THE COMMISSION: There is offered in evidence the affidavit of Jonas Prazier, the affidavit of John Lewis and the affidavit of Willis Jackson, all of which are marked exhibit "A", filed and made a part of the record in this case.

The decision of the Commission as to your application, and the application you make on behalf of your minor child, for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post office address.

-----o-----

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 24th day of November  
A. D. 1900.

*Guy L. Emerson*  
Notary Public.

Muskegee, Indian Territory, March 18, 1901.

James B. Derris,  
Dibble, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant inquiring relative to the citizenship of Thomas McNealy.

On March 8th, 1901, the Commission wrote you fully in regard to this matter and you have by this time probably received such letter and your attention is respectfully invited thereto.

Yours truly,

Acting Chairman.

M. C. R-1058



Muskogee, Indian Territory, July 26, 1901.

J.W.Cherryhomes,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to know what decision, or opinion if any, the Commission has rendered in the matter of the application for identification as Mississippi Choctaws, of George, Tom, James, and William Mc Neely.

You are informed, that the Commission, has not up to this time, taken up for consideration, or rendered any opinion, or decision, in the cases of these applicants. It is probable that no such decision will be rendered for some time to come, but when same is reached, a copy will be mailed the applicants stating fully therein the action taken by the Commission.

Should these applicants desire to introduce any additional evidence of witnesses, in person or depositions or affidavits in support of their claims, same will be received by the Commission and considered in the disposition of these applications.

Yours truly,

MC-1057  
MC-1058  
MC-1059  
MC-1060

Commissioner in charge.



Muskogee, Indian Territory, July 26, 1901.

J.W. Cherryhones,

Attorney at Law,

Pursell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to know what decision, or opinion if any, the Commission has rendered in the matter of the application for identification as Mississippi Cheetaws, of George, Tom, James, and William Mc Neely.

You are informed, that the Commission, has not up to this time, taken up for consideration, or rendered any opinion, or decision, in the cases of these applicants. It is probable that no such decision will be rendered for some time to come, but when same is reached, a copy will be mailed the applicants stating fully therein the action taken by the Commission.

Should these applicants desire to introduce any additional evidence of witnesses, in person or depositions or affidavits in support of their claims, same will be received by the Commission and considered in the disposition of these applications.

Yours truly,

MC-1057  
MC-1058  
MC-1059  
MC-1060

Commissioner in charge.

Muskogee, Indian Territory, July 24, 1901.

J.W.Cherryhomes,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to know what decision, or opinion if any, the Commission has rendered in the matter of the application for identification as Mississippi Choctaws, of George, Tom, James, and William Mc Neely.

You are informed, that the Commission, has not up to this time, taken up for consideration, or rendered any opinion, or decision, in the cases of these applicants. It is probable that no such decision will be rendered for some time to come, but when same is reached, a copy will be mailed the applicants stating fully therein the action taken by the Commission.

Should these applicants desire to introduce any additional evidence of witnesses, in person or depositions or affidavits in support of their claims, same will be received by the Commission and considered in the disposition of these applications.

Yours truly,

MC-1057  
MC-1058  
MC-1059  
MC-1060

Commissioner in charge.

COPY.

M.C.R. 1057.

Muskogee, Indian Territory, July 12, 1902.

James McNeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th, day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas McNeely et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McNeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1055
James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George H. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph E. McNeely,	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Serrels, Charles H. Serrels, John T. Serrels, Mary E. Serrels, Gillie P. Serrels, Edna E. Serrels, Thomas F. Serrels, Laura Serrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rose Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris, Jesse Paris Luther Paris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Chectaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Druseilla McNeely, as an intermarried Mississippi Chectaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered.

Acting Chairman.

COPY.

M.C.R. 1058.

Muskegee, Indian Territory, July 12, 1902.

Thomas McNeely,

Dibble,, Indian Territory.

Dear Sir:

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Laura Faris et al.,	M.C.R. 1062
Joseph E. McNeely,	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

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"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Druscilla McNeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

Acting Chairman.

M.C.R. 1052.

Muskogee, Indian Territory, July 12, 1902.

D. M. Windom, Attorney at law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McNeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1365
James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George W. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph E. McNeely,	M.C.P. 1061
Ellen Black et al.,	M.C.R. 1202

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Said decision concludes as follows:



"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna B. Sorrels, Thomas F. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rose Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Faris, Jesse Faris, Luther Faris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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Yours truly,

SIGNED

James D. Smith

Acting Chairman.

Registered.

1

COPY.

M.C.R. 1058.

Muskogee, Indian Territory, July 12, 1902.

Davis Homer, Attorney at law,

In care D. M. Wisdom,

Muskogee, Indian Territory.

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James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George M. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph E. McNeely,	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna E. Sorrels, Thomas F. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rose Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Faris, Jesse Faris, Luther Faris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Drucilla McNeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Special Agent

James H. Smith

Registered.

Acting Chairman.

COOL

M.C.R. 1058.

Muskogee, Indian Territory, July 12, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 12th, day of July, 1902,  
 the Commission to the Five Civilized Tribes rendered a decision  
 in the consolidated case of Thomas McKeely, et al., embracing the  
 following applications for identification as Mississippi Choctaws:

Thomas McKeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1065
James McKeely et al.,	M.C.R. 1057
William L. McKeely	M.C.R. 1060
George M. McKeely	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph E. McKeely	M.C.R. 1063
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the  
 act of Congress of June 28, 1898 (30 Stats., 495), which is as  
 follows:

"Said Commission shall have authority to determine the  
 identity of Choctaw Indians claiming rights in the Choctaw  
 lands under article fourteen of the treaty between the United  
 States and the Choctaw Nation, concluded September twenty-  
 seventh, eighteen hundred and thirty, and to that end may ad-  
 minister oaths, examine witnesses, and perform all other acts  
 necessary thereto, and make report to the Secretary of the  
 Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna E. Sorrels, Thomas F. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George H. McNeely, Rose Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris, Jesse Paris Luther Paris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Druscilla McNeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

James B. Hargis

Acting Chairman.

Copy.

M.C.R. 1058.

Muskogee, Indian Territory, July 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Thomas McNeely, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Thomas McNeely et al.,	M.C.R. 1059
Martha L. Sorrels, et al.,	M.C.R. 1565
James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George M. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph E. McNeely,	M.C.R. 1061
Ellen Black, et al.,	M.C.R. 1202

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission,

-2-

copies of said letters being attached to the record.

Respectfully,

(SIGNED)

- 2000 - 1000

Through the Commissioner  
of Indian Affairs.  
1 enclosure.

Acting Chairman.



M. C. R. 1057.

Muskogee, Indian Territory, October 15, 1902.

James McNeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED).

*T. D. McNeely.*

Commissioner in Charge.

No. 1057

For Identification as a Mississippi Choctaw.

Date **NOV 22 1900**

Name *James Mc. Neely*

Age *34* Blood *1/8*

Post Office *Cliff, Ind. Ter.*

Father: *Robert Mc. Neely - dead.*

Mother: *Sarah E. Suggs - ✓*

Claims through *Father.*

WIFE: *Serehe Mc. Neely -*  
*(No claim for wife).*


Children:

*Fred Mc. Neely 5.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 22 1900**



ACTING CHAIRMAN.

*Thomas McNeely et al*

REFUSED

DECISION RENDERED, JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT,

JUL 12 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION BY ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT:

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT -3 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT,

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 15 1902

REFER TO M.C.R. 1565-1057-1060-  
1059-1062-1061-1202

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Thomas McNeely, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Thomas McNeely, et al.,	M C R 1058
Martha L. Serrels, et al.,	M C R 1060
James McNeely, et al.,	M C R 1067
William L. McNeely,	M C R 1060
George M. McNeely, et al.,	M C R 1069
Laura Varis, et al.,	M C R 1062
Joseph B. McNeely,	M C R 1061
Ellen Black, et al.,	M C R 1202

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List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Thomas McNeely, et al.

Page.

Original application of Thomas McNeely, et al., to the Dawes Commission for identification as Mississippi Choctaws . .	1
Affidavit of John Lewis . . . . .	5
Affidavit of Willis Jackson . . . . .	6
Affidavit of James Frazier . . . . .	7

Original application of Martha L. Berrel, et al., to the Dawes Commission for identification as Mississippi Choctaws . . .	8
Affidavit of Willis Jackson . . . . .	12
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Original application of James McNeely, et al., to the Dawes Commission for identification as Mississippi Choctaws . . .	14
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Original application of George M. McNeely, et al., to the Dawes Commission for identification as Mississippi Choctaws . . .	27
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Decision of the Commission denying the applications of Thomas McNeely, et al., Martha L. Berrels, et al., James Mc- Neely, et al., William L. McNeely, George M. McNeely, Laura Paris, et al., Joseph E. McNeely, and Ellen Black, et al., for identification as Mississippi Choctaws . . . . .	43

Sub  
C.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Thomas McNeely,  
et al., for identification as Mississippian Choctaws, consolidating  
the applications of -

Thomas McNeely, et al.,	M C R 1058
Martha L. Serrels, et al.,	M C R 1058
James McNeely, et al.,	M C R 1057
William L. McNeely,	M C R 1060
George M. McNeely,	M C R 1059
Laura Paris, et al.,	M C R 1062
Joseph E. McNeely,	M C R 1061
Ellen Black, et al.,	M C R 1202

-----  
D E C I S I O N .

It appears from the record herein that applications for  
identification as Mississippian Choctaws were made to this Commission  
by Thomas McNeely for himself and his minor child, Thomas Lee Mc-  
Neely; by Martha L. Serrels for herself and her seven minor children,  
Charles H., John T., Mary E., Gillie P., Edna E., Thomas F., and  
Laura Serrels; by James McNeely for himself and his minor child,  
Fred McNeely; by William Lafayette McNeely for himself; by George  
M. McNeely for himself and his three minor children, Rose Ann,  
Pearl Elizabeth, and Fannie McNeely; by Laura Paris for herself  
and her two minor children, Jesse and Luther Paris; by Joseph

Earnest McNeely for himself; by Ellen Black for herself and her minor child, Beulah Black; and by Thomas McNeely for the identification of his wife, Druscilla McNeely, as an intermarried Mississippi Choctaw, under the following provisions of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants of one Lucinda McNeely, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lucinda Mc-



Neely or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Serrels, Charles H. Serrels, John T. Serrels, Mary E. Serrels, Gillie P. Serrels, Edna E. Serrels, Thomas F. Serrels, Laura Serrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Reza Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris, Jesse Paris, Luther Paris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Drusilla McNeely, as an intermarried Mississippi Choctaw should,

therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

ACTING CHIEF MAN.

COMMISSIONER.

Muskogee, Indian Territory,

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 22nd, 1900.

IN THE MATTER OF THE APPLICATION FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS OF THOMAS McNEELY AND HIS MINOR CHILD AND FOR HIS WIFE AS A MISSISSIPPI CHOCTAW BY INTERMARRIAGE.

THOMAS McNEELY, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Thomas McNeely.  
Q What is your age? A Fifty-nine.  
Q What is your post office address? A Dibble, I.T.  
Q Are you a resident of the Indian Territory? A Yes, sir.  
Q How long have you resided here? A Sixteen years.  
Q Have you maintained a continuous residence in the Indian Territory? A With the exception of a little while in the pot country.  
Q How long? A About three years.  
Q When? A About five years ago.  
Q You maintained a residence in Oklahoma? A Well, yes, sir, I was there, then I moved back to the Chickasaw country about five years ago.  
Q Where did you live before you had your residence in the Chickasaw country? A In Texas.  
Q How long did you live in Texas? A Nearly all my life.  
Q Were you born in Texas? A No, sir; I was born in Alabama.  
Q When did you come from Alabama to Texas? A Well, I was a small boy, I suppose ten or twelve years old.  
Q Did you ever reside in the State of Mississippi? A No, sir.  
Q You resided in Alabama until you were about ten years old?  
A Well, I suppose so.  
Q You moved from Alabama to the State of Texas and lived there until sixteen years ago, when you moved to the Indian Territory? A Yes, sir.  
Q How much Choctaw blood do you claim? A About one-fourth.  
Q What is your father's name? A James McNeely.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Lucinda.  
Q Lucinda McNeely? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.  
Q How long has your mother been dead? A About thirty-five years, as well as I remember.  
Q Was she ever recognized during her life time as a citizen of the Choctaw Nation by Choctaw tribal authorities? A Not that I know of.  
Q Is her name on any of the tribal rolls of the Choctaw Nation?  
A No, sir.  
Q Have you made application to the Choctaw tribal authorities for admission to the Choctaw National Council as a citizen? A No, sir.  
Q Did you or any one in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No, sir.  
Q Have you been admitted to citizenship in the Choctaw Nation under the ~~act of Congress of June 10th, 1896~~ judgment of the United States Courts in the Indian Territory? A No, sir.  
Q Have you, prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.  
Q This is your first application of any description? A Yes,

Thomas McNeely et al----2.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands in the Indian Territory under the provisions of the 14th article of the treaty of 1830? A Well, just from what I have heard. My mother always told me that she was a Choctaw.

Q Are you making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir; I reckon so.

Q Did any of your ancestors ever comply with the provisions of the 14th article of that treaty? A Well, as well as I understand it, I have been informed-----

Q (interrupting) You know what the provisions of that article of the treaty of 1830 are? A No, sir.

Q Do you know the conditions that existed and led up to the making of that treaty? A No, sir.

Q The Choctaw Indians, were, in the year 1830, in the State of Mississippi. The United States government was desirous of removing them from that State to the western country, and a treaty was entered into providing for their removal from the State of Mississippi to the present Choctaw Nation in the Indian Territory. But it was provided that in case any of them wanted to remain in Mississippi and not remove with the rest of the tribe to the western country they could do so, and in the 14th article of the treaty of 1830, it was provided that each Choctaw head of a family "being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." Now, did any of your ancestors in Mississippi in the year 1830, who were recognized members of the Choctaw tribe of Indians, signify to the Indian agent of the Choctaw Indians there their intention to remain and become citizens of the State of Mississippi? A No, sir; I don't know, sir, whether they did or not.

Q What was the name of your ancestor in Mississippi in 1830 at the time this treaty was made between the United States and the Choctaw Indians, and who was at that time a recognized member of that tribe? A Well, I suppose that is my grand mother. Her name was Watson.

Q What was her full name? A Nellie Watson.

Q Was Nellie Watson a recognized member of the Choctaw tribe of Indians in Mississippi? A I don't know, sir. That is what my mother said. I don't know whether she is or not. I was small when she died.

Q When did she die? A It was when I was a very small boy. I can just remember seeing her.

MR. WISDOM: (of counsel for applicant) You have seen her, Nellie Watson? A Yes, sir.

Q Where did she die? A In Alabama.

Q Had she removed from Mississippi? A That is what my mother told me.

Q When did she leave Mississippi? A I don't know.

Q Was she a resident of the State of Mississippi? in 1830? A I don't know sir.

Q Were any of your ancestors residents of the State of Mississippi when this treaty was entered into between the United States and the Choctaw Indians? A I don't know, sir. I had one uncle, I remember, when we was moving to Texas, Uncle Bill Franklin. We stopped and staid with him in Rankin County, Mississippi.

Q Was he a Choctaw Indian? A He was mother's brother, William Franklin.

Q You are not a descendant of his? A No, sir. But he is mother's brother.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under this 14th article of the treaty of 1830? A Not that I know of, sir.

Q State all you know about your ancestors residence in Mississippi from 1830 to 1856. A Well, I have just stated all I do know. I was raised in Texas from a small boy, as the old saying is "Wild, on the grass," and I haven't got any education.

Q You are making your claim solely under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A Druscilla.

Q Is she a white woman? A Yes, sir.

Q Living? A Yes, sir.

Q Are you making any claim for her? A I don't know whether to or not.

Q There is no authority of law by which the Commission can in any way determine the rights of white people who claim rights of identification by having been married to a Mississippi Choctaw. A I would like to have her in if I could get it.

Q We won't consider it, but will make a record of it. We won't consider it all. There is no authority of law for considering it.

A Well, make a record of it.

Q How old is she? A She is fifty-five, I believe.

Q What was her father's name? A Boren Patton, I think.

Q Is he living? A No, sir.

Q What was your wife's mother's name? A Well, now, I have heard her say, but I disremember. My wife was the baby child.

Q Was her name Patton? A Yes, sir, she was a Patton, but I don't know her given name.

Q Is she dead? A Yes, sir; my wife says she is and I suppose she is.

Q Neither of your wife's parents ever claimed any rights as to Indian citizenship by blood? A No, sir.

Q You are claiming for your wife as an intermarried Mississippi Choctaw? A Yes, sir.

Q Where did you marry her? A I married down here by Lebanon in the Chickasaw Nation.

Q When? A Sixteen years ago.

Q Have you a marriage license and certificate? A No, sir.

Q Were you married to her in accordance with the laws of the United States? A Yes, sir.

Q You are a recognized citizen of the Chickasaw Nation? A Yes, sir.

Q Your wife was a resident? A Yes, sir.

Q You were never married to her in accordance with the Chickasaw laws? A No, sir.

Q You were never married to her in accordance with the laws of the Choctaw Nation? A No, sir.

Thomas McNeely et al-----4.

BY THE COMMISSION: It will be necessary that the Commission be supplied with evidence of your marriage to your wife, both in the matter of the application for her identification as a Mississippi Choctaw and in the matter of the application for the identification of your minor child.

Q What is your minor child's name? A Thomas Lee McNeely.

Q What is his age? A Fifteen, the 4th day of this month.

Q Are you the father of this child? A Yes, sir.

Q Is Druscilly McNeely the mother? A Yes, sir.

Q You and your wife are living together? A Yes, sir.

Q Is this child living with you? A Yes, sir.

Q Is there any further statement you desire to make in the matter of your application and the matter of the application for your wife and child? A No, sir; I think not.

Q Is there any written evidence you desire to present to the Commission in support of your application? A Yes, sir.

BY THE COMMISSION: There is offered in evidence the affidavits of John Davis, Willis Jackson and Jonas Frazier, all of which are marked exhibit A, filed and made a part of the record in this case.

THE APPLICANT: My married daughters will have to make application for themselves?

BY THE COMMISSION: A Yes, sir.

The decision of the Commission as to your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws, and the application made by you on behalf of your wife as a Mississippi Choctaw, will be mailed to you in writing in the near future to your present post office address.

-----o-----

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24th day of November, A. D. 1900.

*W. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.

Muskogee, Indian Territory, March 5, 1901.

J. B. Dorris,

Dibble, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th of February relative to the inquiry in your letter of the 4th of February as to the enrollment of Thomas McNeely and Daisy Bird.

You state in your letter that the McNeely child of whom you inquire is named Tom Lee McNeely, 15 years of age and the son of Thomas Grier and Drusilla McNeely and that Mr. McNeely made application before the Commission for citizenship in the Choctaw Nation on the 22nd day of November, 1900.

You further state in your letter that you will write the Commission with regard to Daisy Bird when you have more information in regard to this family.

Replying to your letter the Commission has to inform you that it appears from our records that at Muskogee, Indian Territory, on November 22nd, 1900, Thomas McNeely, 59 years of age of Dibble, Indian Territory, appeared before the Commission and made application for the identification of himself and his child, Thomas Lee McNeely, 15 years of age as Mississippi Choctaws and for the identification of his wife, Drusilla McNeely as an intermarried Mississippi Choctaw.

The Commission has not up to this time rendered any decision relative to the application made by Mr. McNeely for the



J R D B

identification of himself, his wife and child as Mississippi Choctaws but will do so as early as practicable. It is possible, however, that it may be some time before such a decision is reached but when such is rendered, a copy of the same will be mailed to Mr. McNeely stating fully therein the reason for any action the Commission may take as to his application.

If the information that you desire relative to this child is for the purpose of taking advantage of the schools of the Choctaw Nation, the Commission has to inform you that Thomas Lee McNeely has not been listed for enrollment by this Commission as a citizen of the Choctaw Nation.

We have also to inform you that at Muskogee, Indian Territory, on September 18th, 1900, Martha L. Bird, of Newcastle, Indian Territory, appeared before the Commission and made application for the identification of herself and her three minor children, Claude D., Daisy and Thomas Bird as Mississippi Choctaws. No decision has up to this time been reached in this case but when such is rendered a copy will be mailed to Mrs. Bird at her present postoffice address.

Daisy Bird has not been listed for enrollment by this Commission as a Choctaw Indian and only appears upon our records as an applicant for identification as a Mississippi Choctaw.

The Commission's letter of February 7th is returned to you herewith.

Yours truly,

Enc bb

Acting Chairman.

M. C. R. 683-1058

Muskogee, Indian Territory, April 4, 1901.

Martha L. Sorrels,

Brown, Oklahoma,

Dear madam:

The Commission is in receipt of affidavit of Thomas McNeely, to be filed in support of your application for identification as Mississippi Choctaws of yourself and children. The same has been duly filed with the other records in your case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 26, 1901.

J. W. Cherryhomen,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to know what decision or opinion, if any, the Commission has rendered in the matter of the application for identification as Mississippi Choctaws of George, Tom, James, and William McNeely.

You are informed, that the Commission has not, up to this time, taken up for consideration, or rendered any opinion or decision in the cases of these applicants. It is probable that no such decision will be rendered for some time to come, but when same is reached, a copy will be mailed the applicants stating fully therein the reason for any action taken by the Commission.

Should these applicants desire to introduce any additional evidence of witnesses in person or depositions or affidavits in support of their claims, the same will be received by the Commission and considered in the disposition of these applications.

Yours truly,

MC-1057  
MC-1058  
MC-1059  
MC-1060

Commissioner in charge.

C o p y.

Land  
42366-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Sept. 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 12, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the consolidated Mississippi Choctaw case of Thomas McNeely, et al.

This case includes the following applications for identification as Mississippi Choctaws: Thomas McNeely for himself and his minor child, Thomas Lee; Martha L. Sorrels for herself and her seven minor children, Charles H., John T., Mary E., Gillie P., Edna E., Thomas F., and Laura; James McNeely for himself and his minor child, Fred; William Lafayette McNeely for himself; George M. McNeely for himself and his three minor children, Roze Ann, Pearl Elizabeth and Fannie; Laura Faris for herself and her two minor children, Jesse and Luther; Joseph Earnest McNeely for himself; Ellen Black for herself and her minor child Beulah Black; and by Thomas McNeely for the identification of his wife, Druseilla McNeely, as an inter-married Mississippi Choctaw.

Descent is claimed through Lucinda McNeely to Nellie or Lilly Watson.

--2--

The applicants are not full blood Chectaw Indians; the records of this office do not show that the above named ancestors received patents for land under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, or that they received or in any manner attempted to secure the benefits of said article.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants, be affirmed.

Very respectfully,

Your obedient servant.

A. C. Tenner,

Acting Commissioner.

WCV  
D

3 inclosures.

D.C. 17731.

C o p y.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington, October 3, 1902.

ITD.5995-1902.

IRS

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

With your letter of July 12, 1902, was transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, viz: Thomas and Thomas Lee McNeely; Martha L., Charles H., John T., Mary E., Gil-  
lie P., Edna E., Thomas F. and Laura Sorrels; James, Fred, William Lafayette, George M., Roze Ann, Pearl Elizabeth and Fannie McNeely; Laura, Jesse and Luther Faris; Joseph Earnest McNeely; Ellen and Beulah Black; and for identification of Druscilla McNeely as an inter-married Mississippi Choctaw.

The applicants attempt to trace their descent from one Lucinda McNeely, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Lucinda McNeely or any of these applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and

--2--

August 23, 1842 (5 Stat., 513). You denied the applications July 12, 1902.

The Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter of September 1, 1902, is inclosed.

After a careful review of the entire case, the Department affirms your decision.

Respectfully,

---

THOS RYAN,

Acting Secretary.

1 inclosure.



COPY.

M. C. R. 1058.

Muskogee, Indian Territory, October 15, 1902.

D. M. Wisdom,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission in refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*T. E. Needles*

Commissioner in Charge.

COPY.

M.C.R. 1058

Muskogee, Indian Territory, October 15, 1902.

Davis Homer,

c/o D. M. Wisdom, Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

SIGNED

*T. D. Harrison*

Commissioner in Charge.

COPY.

M. C. R. 1058.

Muskogee, Indian Territory, October 15, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

(SIGNED).

*T. E. Needles.*

Commissioner in Charge.

COPY.

M. C. R. 1058

Muskogee, Indian Territory, October 15, 1902.

Thomas McNeely,

Dibble, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*T. D. Neelce.*

Commissioner in Charge.

2303-1901J. B. Dorris,  
Dibble, I.T.

MC R 1058, Thomas McNeely  
et al.

On November 22, 1901, Thomas McNeely, age 59, of Dibble, I. T. appeared before Commission at Muskogee, and applied for himself, and one child, Thomas Lee McNeely, age 15, as Mississippi Choctaws, and for wife Druseilla McNeely as an intermarried Mississippi Choctaw. No judgment has yet been rendered in this case.

AB

Atoka, February 20, 1901.

REFER TO M. C. R. 1008

Thomas McNeely  
et al

Consolidated Case

Nellie Watson, Choc

James McNeely  
mar.

Lucinda McNeely

Thomas McNeely 59 1/4  
mar.

Erussilla McNeely

Robert McNeely, dead

mar.  
Sarah Elizabeth Suggs  
white

George McNeely 56 1/4  
mar.

1st Fannie McNeely, w. dead  
nee Papp  
2nd Laura McNeely

Note: Apps. in med 1061 &  
1062 give name of mother  
as Mollie McNeely.

Martha K. Sorrells 35 1/8  
mar.

Edward J. Sorrells

Thomas Lee McNeely 15

Charles H. Sorrells 19  
John J. Sorrells 17  
Mary E. Sorrells 14  
Killed P. Sorrells 11  
Edna E. Sorrells 9  
Thomas F. Sorrells 6  
Laura Sorrells 3

James McNeely 34 1/8  
mar.

Verene McNeely 12

Fred McNeely 5

William L. McNeely 29 1/8

Laura Farris 25 1/8  
mar.

Edward Farris, w.

Jesse Farris 7

Kuther Farris 11 mo

Joseph Earnest McNeely  
25 1/8

Ellen Black 19 1/8

Husbands name not given

Isenlok T Black 1

Rose Ann McNeely 16

Pearl Elizabeth McNeely 14

Fannie McNeely 12



No. 1058

For Identification as a Mississippi Choctaw.

Date NOV 22 1900

Name *Thomas Mc. Neely.*

Age *59.* Blood *1/4*

Post Office, *Ribble, Ind. Ter.*

Father: *James Mc. Neely - dead*

Mother: *Lucinda Mc. Neely - dead.*

Claims through *mother.*

WIFE:

*Kruscilla Mc. Neely - ✓*  
*(No claim for wife).*

Children:

*Thomas Lee Mc. Neely - 15.*  
*Application for wife as an in-*  
*termarried Mississippi Choctaw.*

WIFE:

*Kruscilla Mc. Neely 55*

FATHER: *Woren Patten - dead*

MOTHER: *~~~~ Patten - dead.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1900



**DISREGARD  
PREVIOUS**

27

**IMAGE**

Choctaw MCR 1058

MCR 1058

Thomas McNeely.

See MCR 1565, 1057, 1060, 1059  
1062, 1061, 1202

*Thomas McNelly et al*

**REFUSED**

DECISION RENDERED,

**JUL 12 1902**

NOTICE OF DECISION MADE BY APPLICANT,

**JUL 12 1902**

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION BY  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT:

**JUL 12 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR

**OCT -3 1902**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**OCT 10 1902**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

**OCT 15 1902**

REFER TO M. C. R. 1565-1057-1060-

1059-1062-1061-1202

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Thomas McNeely, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Thomas McNeely, et al.,	M C R 1058
Martha L. Serrels, et al.,	M C R 1055
James McNeely, et al.,	M C R 1057
William L. McNeely,	M C R 1060
George M. McNeely, et al.,	M C R 1059
Laura Paris, et al.,	M C R 1062
Joseph M. McNeely,	M C R 1061
Ellen Black, et al.,	M C R 1202

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Thomas McNeely, et al.

Page.

Original application of Thomas McNeely, et al., to the Dawes Commission for identification as Mississippi Choctaws . .	1
Affidavit of John Lewis . . . . .	5
Affidavit of Willis Jackson . . . . .	6
Affidavit of James Frazier . . . . .	7

Original application of Wartha L. Horrel, et al., to the Dawes Commission for identification as Mississippi Choctaws . .	8
Affidavit of Willis Jackson . . . . .	12
Affidavit of Thomas McNeely . . . . .	13
Original application of James McNeely, et al., to the Dawes Commission for identification as Mississippi Choctaws . .	14
Affidavit of Jonas Frazier . . . . .	18
Affidavit of John Lewis . . . . .	19
Affidavit of Willis Jackson . . . . .	20
Original application of William L. McNeely to the Dawes Commission for identification as Mississippi Choctaws . . . .	21
Affidavit of John Lewis . . . . .	24
Affidavit of Willis Jackson . . . . .	25
Affidavit of Jonas Frazier . . . . .	26
Original application of George M. McNeely, et al., to the Dawes Commission for identification as Mississippi Choctaws . .	27
Affidavit of Jonas Frazier . . . . .	30
Affidavit of John Lewis . . . . .	31
Affidavit of Willis Jackson . . . . .	32
Original application of Laura Paris, et al., to the Dawes Commission for identification as Mississippi Choctaws . . . . .	33
Original application of Joseph Earnest McNeely to the Dawes Commission for identification as Mississippi Choctaws . .	35
Application of Ellen Black, et al., to the Dawes Commission for identification as Mississippi Choctaws . . . . .	38
Affidavit of Jonas Frazier . . . . .	40
Affidavit of Willis Jackson . . . . .	41
Affidavit of George McNeely . . . . .	42
Decision of the Commission denying the applications of Thomas McNeely, et al., Martha L. Horrel, et al., James McNeely, et al., William L. McNeely, George M. McNeely, Laura Paris, et al., Joseph E. McNeely, and Ellen Black, et al., for identification as Mississippi Choctaws . . . . .	43

Sub  
C. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Thomas McNeely,  
et al., for identification as Mississippian Choctaws, consolidating  
the applications of -

Thomas McNeely, et al.,	M C R 1056
Martha L. Serrels, et al.,	M C R 1058
James McNeely, et al.,	M C R 1057
William L. McNeely,	M C R 1060
George M. McNeely,	M C R 1059
Laura Faris, et al.,	M C R 1062
Joseph E. McNeely,	M C R 1061
Ellen Black, et al.,	M C R 1202

-----  
D E C I S I O N .

It appears from the record herein that applications for  
identification as Mississippian Choctaws were made to this Commission  
by Thomas McNeely for himself and his minor child, Thomas Lee Mc-  
Neely; by Martha L. Serrels for herself and her seven minor children,  
Charles H., John T., Mary E., Gillie F., Edna E., Thomas F., and  
Laura Serrels; by James McNeely for himself and his minor child,  
Fred McNeely; by William Lafayette McNeely for himself; by George  
M. McNeely for himself and his three minor children, Rose Ann,  
Pearl Elizabeth, and Jannie McNeely; by Laura Faris for herself  
and her two minor children, Jesse and Luther Faris; by Joseph



Earnest McNeely for himself; by Ellen Black for herself and her minor child, Beulah Black; and by Thomas McNeely for the identification of his wife, Drusilla McNeely, as an intermarried Mississippi Choctaw, under the following provisions of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants of one Lucinda McNeely, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lucinda Mc-

Neely or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna E. Sorrels, Thomas F. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rose Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris, Jesse Paris, Luther Paris, Joseph Earnest McNeely, Ellen Black and Boulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Drusella McNeely, as an intermarried Mississippi Choctaw should,

therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

ACTING CHIEF MAN.

COMMISSIONER.

Muskogee, Indian Territory,

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 22nd, 1900.

IN THE MATTER OF THE APPLICATION FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS OF THOMAS MCNEELY AND HIS MINOR CHILD AND FOR HIS WIFE AS A MISSISSIPPI CHOCTAW BY INTERMARRIAGE.

THOMAS MCNEELY, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Thomas McNeely.  
Q What is your age? A Fifty-five.  
Q What is your post office address? A Dibble, I.T.  
Q Are you a resident of the Indian Territory? A Yes, sir.  
Q How long have you resided here? A Sixteen years.  
Q Have you maintained a continuous residence in the Indian Territory? A With the exception of a little while in the pot country.  
Q How long? A About three years.  
Q When? A About five years ago.  
Q You maintained a residence in Oklahoma? A Well, yes, sir, I was there, then I moved back to the Chickasaw country about five years ago.  
Q Where did you live before you had your residence in the Chickasaw country? A In Texas.  
Q How long did you live in Texas? A Nearly all my life.  
Q Were you born in Texas? A No, sir; I was born in Alabama.  
Q When did you come from Alabama to Texas? A Well, I was a small boy, I suppose ten or twelve years old.  
Q Did you ever reside in the State of Mississippi? A No, sir.  
Q You resided in Alabama until you were about ten years old? A Well, I suppose so.  
Q You moved from Alabama to the State of Texas and lived there until sixteen years ago, when you moved to the Indian Territory? A Yes, sir.  
Q How much Choctaw blood do you claim? A About one-fourth.  
Q What is your father's name? A James McNeely.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Lucinda.  
Q Lucinda McNeely? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.  
Q How long has your mother been dead? A About thirty-five years, as well as I remember.  
Q Was she ever recognized during her life time as a citizen of the Choctaw Nation by Choctaw tribal authorities? A Not that I know of.  
Q Is her name on any of the tribal rolls of the Choctaw Nation? A No, sir.  
Q Have you made application to the Choctaw tribal authorities for admission to the Choctaw National Council as a citizen? A No, sir.  
Q Did you or any one in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of congress of June 10th, 1896? A No, sir.  
Q Have you been admitted to citizenship in the Choctaw Nation under the ~~act of congress of June 10th, 1896~~ judgment of the United States Courts in the Indian Territory? A No, sir.  
Q Have you, prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.  
Q This is your first application of any description? A Yes,

Thomas McNeely et al---2.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands in the Indian Territory under the provisions of the 14th article of the treaty of 1830? A Well, just from what I have heard. My mother always told me that she was a Choctaw.

Q Are you making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir; I reckon so.

Q Did any of your ancestors ever comply with the provisions of the 14th article of that treaty? A Well, as well as I understand it, I have been informed-----

Q (interrupting) You know what the provisions of that article of the treaty of 1830 are? A No, sir.

Q Do you know the conditions that existed and led up to the making of that treaty? A No, sir.

Q The Choctaw Indians, were, in the year 1830, in the State of Mississippi. The United States government was desirous of removing them from that State to the western country, and a treaty was entered into providing for their removal from the State of Mississippi to the present Choctaw Nation in the Indian Territory. But it was provided that in case any of them wanted to remain in Mississippi and not remove with the rest of the tribe to the western country they could do so, and in the 14th article of the treaty of 1830, it was provided that each Choctaw head of a family "being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." Now, did any of your ancestors in Mississippi in the year 1830, who were recognized members of the Choctaw tribe of Indians, signify to the Indian agent of the Choctaw Indians there their intention to remain and become citizens of the State of Mississippi? A No, sir; I don't know, sir, whether they did or not.

Q What was the name of your ancestor in Mississippi in 1830 at the time this treaty was made between the United States and the Choctaw Indians, and who was at that time a recognized member of that tribe? A Well, I suppose that is my grand mother. Her name was Watson.

Q What was her full name? A Nellie Watson.

Q Was Nellie Watson a recognized member of the Choctaw tribe of Indians in Mississippi? A I don't know, sir. That is what my mother said. I don't know whether she is or not. I was small when she died.

Q When did she die? A It was when I was a very small boy. I can just remember seeing her.

MR. WISDOM: (of counsel for applicant) You have seen her, Nellie

Watson? A Yes, sir.

Q Where did she die? A In Alabama.

Thomas McNeely et al---3.

Q Had she removed from Mississippi? A That is what my mother told me.

Q When did she leave Mississippi? A I don't know.

Q Was she a resident of the State of Mississippi? in 1830? A I don't know sir.

Q Were any of your ancestors residents of the State of Mississippi when this treaty was entered into between the United States and the Choctaw Indians? A I don't know, sir. I had one uncle, I remember, when we was moving to Texas, Uncle Bill Franklin. We stopped and staid with him in Rankin County, Mississippi.

Q Was he a Choctaw Indian? A He was mother's brother, William Franklin.

Q You are not a descendent of his? A No, sir. But he is mother's brother.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under this 14th article of the treaty of 1830? A Not that I know of, sir.

Q State all you know about your ancestors residence in Mississippi from 1830 to 1836. A Well, I have just stated all I do know. I was raised in Texas from a small boy, as the old saying is "Wild, on the grass," and I haven't got any education.

Q You are making your claim solely under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A Druscilla.

Q Is she a white woman? A Yes, sir.

Q Living? A Yes, sir.

Q Are you making any claim for her? A I don't know whether to or not.

Q There is no authority of law by which the Commission can in any way determine the rights of white people who claim rights of identification by having been married to a Mississippi Choctaw. A I would like to have her in if I could get it.

Q We won't consider it, but will make a record of it. We won't consider it all. There is no authority of law for considering it. A Well, make a record of it.

Q How old is she? A She is fifty-five, I believe.

Q What was her father's name? A Doren Patton, I think.

Q Is he living? A No, sir.

Q What was your wife's mother's name? A Well, now, I have heard her say, but I disremember. My wife was the baby child.

Q Was her name Patton? A Yes, sir, she was a Patton, but I don't know her given name.

Q Is she dead? A Yes, sir; my wife says she is and I suppose she is.

Q Neither of your wife's parents ever claimed any rights as to Indian citizenship by blood? A No, sir.

Q You are claiming for your wife as an intermarried Mississippi Choctaw? A Yes, sir.

Q Where did you marry her? A I married down here by Lebanon in the Chickasaw Nation.

Q When? A Sixteen years ago.

Q Have you a marriage license and certificate? A No, sir.

Q Were you married to her in accordance with the laws of the United States? A Yes, sir.

Q You are a recognized citizen of the Chickasaw Nation? A Yes, sir.

Q Your wife was a resident? A Yes, sir.

Q You were never married to her in accordance with the Chickasaw laws? A No, sir.

Q You were never married to her in accordance with the laws of the Choctaw Nation? A No, sir.

Thomas McNeely et al----- 4.

BY THE COMMISSION: It will be necessary that the Commission be supplied with evidence of your marriage to your wife, both in the matter of the application for her identification as a Mississippi Choctaw and in the matter of the application for the identification of your minor child.

Q What is your minor child's name? A Thomas Lee McNeely.

Q What is his age? A Fifteen, the 4th day of this month.

Q Are you the father of this child? A Yes, sir.

Q Is Druscilly McNeely the mother? A Yes, sir.

Q You and your wife are living together? A Yes, sir.

Q Is this child living with you? A Yes, sir.

Q Is there any further statement you desire to make in the matter of your application and the matter of the application for your wife and child? A No, sir; I think not.

Q Is there any written evidence you desire to present to the Commission in support of your application? A Yes, sir.

BY THE COMMISSION: There is offered in evidence the affidavits of John Davis, Willis Jackson and Jonas Frazier, all of which are marked exhibit A, filed and made a part of the record in this case.

THE APPLICANT: My married daughters will have to make application for themselves?

BY THE COMMISSION: A Yes, sir.

The decision of the Commission as to your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws, and the application made by you on behalf of your wife as a Mississippi Choctaw, will be mailed to you in writing in the near future to your present post office address.

-----0-----

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24th day of November, A. D. 1900.

*Wm. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.



Muskogee, Indian Territory, March 5, 1901.

J. B. Dorris,

Dibble, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th of February relative to the inquiry in your letter of the 4th of February as to the enrollment of Thomas McNeely and Daisy Bird.

You state in your letter that the McNeely child of whom you inquire is named Tom Lee McNeely, 15 years of age and the son of Thomas Grier and Drusilla McNeely and that Mr. McNeely made application before the Commission for citizenship in the Choctaw Nation on the 22nd day of November, 1900.

You further state in your letter that you will write the Commission with regard to Daisy Bird when you have more information in regard to this family.

Replying to your letter the Commission has to inform you that it appears from our records that at Muskogee, Indian Territory, on November 22nd, 1900, Thomas McNeely, 59 years of age of Dibble, Indian Territory, appeared before the Commission and made application for the identification of himself and his child, Thomas Lee McNeely, 15 years of age as Mississippi Choctaws and for the identification of his wife, Drusilla McNeely as an intermarried Mississippi Choctaw.

The Commission has not up to this time rendered any decision relative to the application made by Mr. McNeely for the



J B D B

identification of himself, his wife and child as Mississippi Choctaws but will do so as early as practicable. It is possible, however, that it may be some time before such a decision is reached but when such is rendered, a copy of the same will be mailed to Mr. McNeely stating fully therein the reason for any action the Commission may take as to his application.

If the information that you desire relative to this child is for the purpose of taking advantage of the schools of the Choctaw Nation, the Commission has to inform you that Thomas Lee McNeely has not been listed for enrollment by this Commission as a citizen of the Choctaw Nation.

We have also to inform you that at Muskogee, Indian Territory, on September 18th, 1900, Martha L. Bird, of Nowcastle, Indian Territory, appeared before the Commission and made application for the identification of herself and her three minor children, Claude D., Daisy and Thomas Bird as Mississippi Choctaws. No decision has up to this time been reached in this case but when such is rendered a copy will be mailed to Mrs. Bird at her present postoffice address.

Daisy Bird has not been listed for enrollment by this Commission as a Choctaw Indian and only appears upon our records as an applicant for identification as a Mississippi Choctaw.

The Commission's letter of February 7th is returned to you herewith.

Yours truly,

Enc hb

Acting Chairman.

M. C. R. 683-1058

Muskogee, Indian Territory, April 4, 1901.

Martha L. Sorrels,

Brown, Oklahoma,

Dear madam:

The Commission is in receipt of affidavit of Thomas McNeely, to be filed in support of your application for identification as Mississippi Choctaws of yourself and children. The same has been duly filed with the other records in your case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 26, 1901.

J. W. Cherryhones,

Attorney at Law,

Purdell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, in which you desire to know what decision or opinion, if any, the Commission has rendered in the matter of the application for identification as Mississippi Choctaws of George, Tom, James, and William McNelly.

You are informed, that the Commission has not, up to this time, taken up for consideration, or rendered any opinion or decision in the cases of these applicants. It is probable that no such decision will be rendered for some time to come, but when same is reached, a copy will be mailed the applicants stating fully therein the reason for any action taken by the Commission.

Should these applicants desire to introduce any additional evidence of witnesses in person or depositions or affidavits in support of their claims, the same will be received by the Commission and considered in the disposition of these applications.

Yours truly,

MC-1057  
MC-1058  
MC-1059  
MC-1060

Commissioner in charge.

C o p y.

Land  
42366-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Sept. 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 12, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the consolidated Mississippi Choctaw case of Thomas McNeely, et al.

This case includes the following applications for identification as Mississippi Choctaws: Thomas McNeely for himself and his minor child, Thomas Lee; Martha L. Sorrels for herself and her seven minor children, Charles H., John T., Mary E., Gillie P., Edna E., Thomas F., and Laura; James McNeely for himself and his minor child, Fred; William Lafayette McNeely for himself; George M. McNeely for himself and his three minor children, Roze Ann, Pearl Elizabeth and Fannie; Laura Faris for herself and her two minor children, Jesse and Luther; Joseph Earnest McNeely for himself; Ellen Black for herself and her minor child Beulah Black; and by Thomas McNeely for the identification of his wife, Druscilla McNeely, as an inter-married Mississippi Choctaw.

Descent is claimed through Lucinda McNeely to Nellie or Lilly Watson.

--2--

The applicants are not full blood Ghectaw Indians; the records of this office do not show that the above named ancestors received patents for land under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, or that they received or in any manner attempted to secure the benefits of said article.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicants, be affirmed.

Very respectfully,

Your obedient servant.

A. C. Tonner,

Acting Commissioner.

WCV  
D

3 inclosures.

D.C. 17731.

C o p y.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington, October 3, 1902.

ITD.5995-1902.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

With your letter of July 12, 1902, was transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, viz: Thomas and Thomas Lee McNeely; Martha L., Charles H., John T., Mary E., Gil-  
lie P., Edna E., Thomas F. and Laura Sorrels; James, Fred, William Lafayette, George M., Roze Ann, Pearl Elizabeth and Fannie McNeely; Laura, Jesse and Luther Faris; Joseph Earnest McNeely; Ellen and Beulah Black; and for identification of Drusilla McNeely as an inter-married Mississippi Choctaw.

The applicants attempt to trace their descent from one Lucinda McNeely, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Lucinda McNeely or any of these applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and

--2--

August 23, 1842 (5 Stat., 513). You denied the applications July 12, 1902.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of September 30, 1902, is inclosed.

After a careful review of the entire case, the Department affirms your decision.

Respectfully,

THOS RYAN,

Acting Secretary.

1 inclosure.



COPY.

M. C. R. 1058.

Muskogee, Indian Territory, October 15, 1902.

D. M. Wisdom,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission in refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*T. E. Needles.*

Commissioner in Charge.

COPY.

M.C.R. 1058

Muskogee, Indian Territory, October 15, 1902.

Davis Homer,

c/o D. M. Wisdom, Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*T. B. McCall.*

Commissioner in Charge.

COPY.

M. C. R. 1058.

Muskogee, Indian Territory, October 15, 1902.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

(SIGNED).

*I. E. Needles.*

Commissioner in Charge.

COPY

M. C. R. 1056

Muskogee, Indian Territory, October 15, 1902.

Thomas McNeely,

Dibble, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*I. B. Needles*

Commissioner in Charge.

2303-1901J. B. Dorris,  
Dibble, I.T.

MC R 1058, Thomas McNeely  
et al.

On November 22, 1901, Thomas  
McNeely, age 59, of Dibble, I.  
T. appeared before Commissioner  
at Muskogee, and applied for  
himself, and one child, Thom-  
Lee McNeely, age 15, as Miss-  
issippi Choctaws, and for wife  
Druscilla McNeely as an  
intermarried Mississippi  
Choctaw. No judgment has  
yet been rendered in this  
case.

AB

Atoka, February 20, 1901.

REFER TO M. C. R. 1005

Thomas McVeety  
et al

Consolidated Case

Nellie Watson, Choc

James McNeely  
mar.

Lucinda McNeely 15

Thomas McNeely 59 1/4

mar.

Erussilla McNeely

Martha R. Sorrells 35 1/8

mar

Edward J. Sorrells

Thomas Lee McNeely 15

Charles H. Sorrells 19

John J. Sorrells 17

Mary E. Sorrells 14

Hillie P. Sorrells 11

Edna E. Sorrells 9

Thomas F. Sorrells 6

Laura Sorrells 3

James McNeely 34 1/8

mar

Fred McNeely 5

Merene McNeely 12

Robert McNeely, dead

mar

Sarah Elizabeth Ruggs  
white

William R. McNeely 29 1/8

Laura Faris 25 1/8

mar

Jesse Faris 7

Edward Faris, w.

Luther Faris 10 mo

George McNeely 56 1/4

mar

1st Fannie McNeely, w. dead

nee Pariff

2nd Laura McNeely

Note: Apps. in mch 1061

1062 give name of mother

as Mollie McNeely.

Ellen Black 19 1/8

Husband's name not given

Isenlak T Black 1

Roge Ann McNeely 16

Pearl Elizabeth McNeely 14

Fannie McNeely 12

No. 1058

For Identification as a Mississippi Choctaw.

Date NOV 22 1900

Name *Thomas Mc. Neely.*

Age *59.*

Blood *1/4*

Post Office, *Ribble, Ind. Ter.*

Father: *James Mc. Neely - dead*

Mother: *Lucinda Mc. Neely - dead.*

Claims through *mother.*

WIFE:

*Orussilla Mc. Neely - ✓*  
*(No claim for wife).*

Children:

*Thomas Lee Mc. Neely - 15.*  
*Application for wife as an in-*  
*termarried Mississippi Choctaw.*

WIFE:

*Orussilla Mc. Neely 55*

FATHER: *Woren Patten - dead*

MOTHER: *~~~~ Patten - dead.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1900





Choctaw MCR 1059

George M. McNeely

MCR 1059

See MCR 1058

**REFUSED**

DECISION RENDERED.

**JUL 12 1902**

NOTICE OF DECISION MAILED APPLICANT.

**JUL 12 1902**

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

**JUL 12 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**JUL 12 1902**

RECORD FORWARDED DEPARTMENT.

**JUL 12 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR

**OCT -3 1902**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**OCT 15 1902**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

**OCT 15 1902**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

**OCT 15 1902**

REFER TO M. C. R.

**1058**

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 22nd, 1900.

IN THE MATTER OF THE APPLICATION FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS OF GEORGE McNEELY AND HIS THREE MINOR CHILDREN. GEORGE McNEELY, BEING DULY SWORN, TESTIFIED AS FOLLOWS;

Examination by the Commission.

Q What is your name? A George McNeely.  
Q What is your age? A Fifty-six.  
Q What is your post office address. A Cliff.  
Q Where is that? A Down here in the Chickasaw Nation.  
Q In the Indian Territory? A Yes, sir.  
Q Are you a resident of the Indian Territory? A Yes, sir.  
Q How long have you resided here? A Ever since last August.  
Q August this present year? A Yes, sir.  
Q Is that the only residence you have ever maintained in the Indian Territory? A Yes, sir.  
Q Where did you live before that? A In Texas.  
Q How long did you live in Texas? A I suppose about forty years.  
Q Where did you come from to Texas? A Alabama.  
Q You were born in Alabama? A Yes, sir.  
Q You lived there up until the time you removed to Texas? A Yes, sir.  
Q You have maintained a residence in the State of Mississippi? A No, sir.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q What is your father's name? A James McNeely.  
Q Is your father living? A No, sir.  
Q What is your mother's name? A Lucinda.  
Q Is your mother living? A No, sir.  
Q Through which one of your parents do you claim? A My mother.  
Q How long has your mother been dead? A I don't remember.  
It is some eighteen years, I think.  
Q Was she ever recognized during her lifetime as a citizen of the Choctaw Nation by the Choctaw authorities? A Not that I know of.  
Q Is her name on any of the tribal rolls of the Choctaw Nation? A No, sir.  
Q Have you ever made application to the Choctaw Tribal authorities for citizenship in the Choctaw Nation? A No, sir.  
Q Have you ever been recognized by the tribal authorities by any official act of their National Council as a citizen of that Nation? A No, sir.  
Q Were you admitted, or did you make application to this Commission for admission to citizenship in the Choctaw Nation under the act of Congress approved June 10th, 1896? A No, sir; I never made none until this time.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.  
Q Have you ever, prior to this time, made any application to either the Choctaw tribal authorities, or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.  
Q This is your first application of any description? A Yes, sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830?

George McNeely et al--2.

A Well, I was always taught I was part Choctaw. My mother told me I was part Choctaw, and I learned that some of my parents were on that roll.

Q You learned that some of your foreparents were on that roll?

A Yes, sir.

Q On what roll? A On that pay roll.

Q On what pay roll? A Choctaw pay roll.

Q What year? A I don't remember what year it was now.

Q What payment did they receive? A I don't know.

Q Where did they receive it? A I don't know.

Mr. D. M. Wisdom (Counsel for applicant) Weren't your parents or ancestors on the Net Proceeds roll of this tribe? A Yes, sir.

Q What year was that payment made in? A I don't know, sir.

Q You are making your claim now as a Mississippi Choctaw? A Yes, sir.

Q You claim under the provisions of the 14th Article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th Article of the treaty of 1830? A I don't know as they did.

Q What is the name of your ancestor who lived in Mississippi and was a recognized member of that tribe of Indians at the time the treaty was entered into between the United States and the Choctaw Indians? A Watson.

Q What is her full given name? A Lilly Watson.

Q Your grandmother, Lilly Watson, was a resident of the State of Mississippi, and a member of the Choctaw Tribe of Indians in 1830? A Yes, sir; that is my understanding.

Q Have you any evidence of that fact? A Only what I have been told by my mother.

Q Where did Lilly Watson die? A She died in Alabama or Mississippi, one, and I don't know which.

Q Where? A I think it was Alabama.

Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi in 1830 her intention to remain and become a citizen of that state? A Sir.

Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the State of Mississippi when the Choctaw Indians were removed from the State of Mississippi in 1835 or 1836? A I don't know whether she did or not.

Q Did any of your ancestors ever receive or or claim to have land in Mississippi as beneficiaries under the provisions of the 14th Article of the Treaty of 1830? A I don't know, sir.

Q You are making your claim under the provisions of this 14th Article of the Treaty of 1830? A Yes, sir.

Q Do you claim under any other treaty stipulations between the United States and Choctaw Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A I have been married twice.

Q What is your present wife's name? A Laura McNeely.

Q She is the only wife you have got living? A Yes, sir.

Q Are you making any claim for her? A No, sir.

Q Is she the mother of your child for whom you want to make this application? A No, sir.

Q What is the name of your child? A Rose Ann McNeely.

Q How old is she? A Sixteen.

Q Who is the mother of this child? A She was Fannie McNeely.

Q She is dead? A Yes, sir.

Q Was she a white woman? A Yes, sir.

George McNeely et al----3.

Q She never made any claim to Indian citizenship, did she? A No, sir.

Q The claim for this child's citizenship is solely through your rights as an Indian? A Yes, sir.

Q Have you you marriage license and certificate of marriage to Fannie McNeely? A Yes, sir.

BY THE COMMISSION:

It will be necessary for the Commission to be supplied with evidence of your marriage to the mother of this child in the matter of the application for the identification of her as a Mississippi Choctaw.

Q This child lives with you at your home? A Yes, sir.

Q Is there any additional statement you desire to make in this matter? No, sir.

Q Is there any additional evidence you desire to file with the Commission in support of your application? A Yes, sir. Now, I have two more children.

Q All right, what are their names now? A Pearl Elizabeth.

Q How old is she? A She is fourteen.

Q Now, the name of the next one? A Fannie.

Q How old is Fannie? A She is twelve.

Q Now, who is the mother of these two children? A Fannie McNeely.

Q Fannie McNeely, your deceased wife, is the mother of these three children? A Yes, sir.

BY THE COMMISSION: There is offered in evidence the affidavits of Jonas Frazier, John Lewis and Willis Jackson, which are filed and made a part of this case.

The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future to your present post office address.

-----o-----

Wm. S. Wellshear, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24th day of November  
A. D. 1900

*Wm. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.

COPY

M.C.R. 1059.

Muskogee, Indian Territory, July 12, 1902.

George W. McNeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas McNeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McNeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1566
James McNeely et al.,	M.C.R. 1067
William L. McNeely,	M.C.R. 1060
George W. McNeely,	M.C.R. 1059
Laura Paris, et al.,	M.C.R. 1062
Joseph P. McNeely,	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence is insufficient to determine the identity of Thomas McKeely, Thomas Lee McKeely, Martha L. Serrala, Charles E. Serrala, John T. Serrala, Mary E. Serrala, Willie P. Serrala, Edna E. Serrala, Thomas P. Serrala, Laura Serrala, James McKeely, Fred McKeely, William Lafayette McKeely, George E. McKeely, Rose Ann McKeely, Pearl Elizabeth McKeely, Fannie McKeely, Laura Faria, Jesse Faria, Luther Faria, Joseph Harwood McKeely, Helen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McKeely, for the identification of his wife, Drusilla McKeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman,

Registered.



COPY

M. C. R. 1059.

Muskogee, Indian Territory, October 15, 1902.

George M. McNeely,  
Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*I. B. Woodlee.*

Commissioner in Charge.



No. 1059

For Identification as a Mississippi Choctaw.

Date NOV 22 1900  
Name George M. Mc. Neely.  
Age 56. Blood  $\frac{1}{4}$   
Post Office, Cliff, Ind. Ter.  
Father: James Mc. Neely - dead.  
Mother Lucinda Mc. Neely - dead.  
Claims through mother.  
WIFE, Laura Mc. Neely - ✓  
(No claim for wife).

Children:

Roger M. Mc. Neely. 16  
Rosa Ann. 11

MOTHER:

Fannie Mc. Neely - dead.  
Pearl Elizabeth Mc. Neely 14  
Fannie " 12

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1900

Choctaw MCR 1060

MCR 1060

William L. McNeely

See MCR 1058

*William L. McNulty*

REFUSED

DECISION RENDERED. JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 12 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

JUL 12 1902

NOTICE OF DECISION FORWARDED  
ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT -3 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 15 1902

REFER TO M. C. R. 1058

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. November 22nd, 1900.

IN THE MATTER OF THE APPLICATION FOR THE IDENTIFICATION AS A  
MISSISSIPPI CHOCTAW OF WILLIAM LAFAYETTE McNEELY.

Said William Lafayette McNeely, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Lafayette McNeely.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Cliff.  
Q Where is that? A Down here in the Chickasaw Nation.  
Q What State is it in? A Indian Territory.  
Q Are you a resident of the Indian Territory? A Yes, sir.  
Q How long have you resided here? A I moved there last September.  
Q September this year? A Yes, sir.  
Q You have been here about two months? A Yes, sir.  
Q Is that the only residence you have maintained in the Indian Territory? A Yes, sir.  
Q Where did you live before that? A In Texas.  
Q How long were you a resident of the State of Texas? A Born and raised there.  
Q The only residence you have maintained is in the State of Texas until you moved to the Indian Territory? A Yes, sir.  
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.  
Q How much Choctaw blood do you claim? A One eighth.  
Q What is your father's name? A Robert McNeely.  
Q Is your father living? A No, sir.  
Q What is your mother's name? A Sarah Elizabeth Suggs.  
Q Her name was McNeely when you were born? A Yes, sir.  
Q Is she living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How long has your father been dead? A Fifteen years.  
Q During his life time was he ever recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A No, sir.  
Q Is your name on any of the rolls of the Choctaw Nation? A No, sir.  
Q Did you ever make application to the Choctaw Tribal authorities for citizenship in the Choctaw Nation? A No, sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of that Nation? A No, sir.  
Q Did you, or did any one on your behalf, in 1896, make an application to this Commission for admission to citizenship under an act of Congress of June 10th, 1896, four years ago? A No, sir.  
Q Or did you or did any one for you make application to the Commission for citizenship in the Choctaw Nation? A No, sir.  
Q Have you ever been admitted to citizenship by a judgment of the United States Courts in the Indian Territory? A No, sir.  
Q Have you ever, prior to this time, made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.  
Q This is your first application of my description? A Yes, sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

William Lafayette McNeely--2.

Q Why do you claim you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830?

A Well, my parents has taught me that, my father.

Q Your father taught you that you were entitled to certain rights under this provision of the treaty? A Yes, sir.

Q You claim, then, under the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I don't know.

Q What was the name of your ancestor residing in the State of Mississippi in 1830, at the time the treaty was entered into between the United States and the Choctaw Indians, and who was at that time recognized as a member of that tribe? A What do you mean, my grand mother or great grandmother?

Q Yes. A Yellie Watson, my great grandmother.

Q Was she a recognized member of the tribe of Choctaw Indians in Mississippi in 1830? A I don't know.

Q What is your information about that? A Yes, sir; but is my information.

Q What do you know about your grandmother's residence in Mississippi and recognition as a Choctaw Indian in 1830? A I don't know much about it.

Q Do you know whether she left Mississippi at the time the Choctaw Indians removed from there to the present Indian Territory? A No, sir; I do not.

Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi after the ratification of this treaty her intention to remain and become a citizen of that State? A I don't know.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No, sir.

MR. D. M. WISDOM, (of counsel for applicant) Do you know that positively? A I don't think they did.

MR. D. M. WISDOM (Of counsel for applicant) You don't know anything about it, and when you don't know anything about it, say so.

Q You are claiming solely under the provisions of the 14th article of the treaty of 1830? A I don't know what you mean.

Q You make this claim under the 14th article of the treaty of 1830, or do you make it under any other stipulation or treaty between the United States and Choctaw Indians? A Do you mean claim under any other Nation?

Q No, sir. You claim as a Choctaw? A Yes, sir.

Q As a Mississippi Choctaw? A Yes, sir.

Q You claim under the 14th article of the treaty of 1830? A Yes, sir.

Q Do you claim under any other treaty? A No, sir.

Q Are you married? A No, sir.

Q You are making this application solely on your own behalf? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application? A No, sir.

Q Is there any written evidence you desire to file in connection with your application? A Yes, sir.

(There is offered in evidence the affidavits of John Lewis, Willis Jackson and Jonas Frazier, which are filed and made a part of the records in this case.)

BY THE COMMISSION: The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post

William Lafayette McNeely---3.

office address.

Wm. S. Wellshear, first being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported in full all proceedings had in the above entitled cause on the 22nd of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24th Day of November  
A. D. 1900.

*W. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.

COPY.

M.C.R. 1060.

Muskogee, Indian Territory, July 12, 1902.

William L. McNeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th, day of July, 1902, The Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas McNeely et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McNeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1055
James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George M. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph B. McNeely	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Partha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna E. Sorrels, Thomas P. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rags Ann McNeely, Pearl Elisabeth McNeely, Fannie McNeely, Laura Faris, Jesse Faris, Luther Faris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Druscilla McNeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

COPY.

Acting Chairman.

Register.



BY. M. C. R. 1060

Muskogee, Indian Territory, October 15, 1902.

William L. McNeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

No. 1060

For Identification as a Mississippi Choctaw.

Date **NOV 22 1900**

Name *William L. Mc. Neely.*

Age *29* Blood *1/8*

Post Office *Cliff Ind. Ter.*

Father: *Robert Mc. Neely - dead*

Mother: *Sarah E. Mc. Neely - ✓*

Claims through *father.*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
**NOV 22 1900**

  
ACTING CHAIRMAN.

Choctaw MCR 1061

MCR 1061

Joseph E. M<sup>c</sup>Neely

See MCR 1058

*Joseph C. McNeely*  
**REFUSED**

**DECISION RENDERED.**

**JUL 12 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 12 1902**

**NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.**

**JUL 13 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 16 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 12 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR**

**OCT -3 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**OCT 15 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.**

**OCT 15 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**OCT 15 1902**

**REFER TO M. C. R. 1058**

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 22nd, 1900.

IN THE MATTER OF THE APPLICATION FOR THE IDENTIFICATION AS A  
MISSISSIPPI CHOCTAW OF JOSEPH EARNEST MCNEELY. He being duly sworn,  
testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph Earnest McNeely.  
Q What is your age? A Twenty-five.  
Q What is your post office address? A Cliff.  
Q Where is that? A In the Indian Territory.  
Q Are you a resident of the Indian Territory? A Yes, sir.  
Q How long have you resided here? A I ~~kk~~ moved there the  
second day of last June, this year.  
Q 1900. A Yes sir.  
Q Where did you live prior to that time? A In Texas.  
Q How long did you live in Texas? A I was born there.  
Q You were born in the State of Texas and lived there until  
~~you removed to the Indian Territory last June?~~ A Yes, sir.  
Q That is the only residence you have ever maintained? A  
Yes, sir.  
Q You claim to be a Mississippi Choctaw? A Yes, sir.  
Q How much Choctaw blood do you claim? A About one-eighth.  
Q What is your father's name? A George McNeely.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A My mother was named Mollie  
McNeely.  
Q Is he living? A No, sir.  
Q Through which one of your parents do you claim your Choctaw  
blood? A My father.  
Q Was your father's name ever on any of the tribal rolls of the  
Choctaw Nation? A No, sir.  
Q Was he ever recognized by any of the Tribal authorities  
as a citizen of the Choctaw Nation? A (No response)  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No, sir.  
Q Have you ever made application to the Choctaw tribal authori-  
ties for citizenship in the Choctaw Nation? A No, sir.  
Q Have you ever been recognized by the Choctaw tribal author-  
ities by any act of their National Council as a citizen of that  
Nation? A No, sir.  
Q Did you, or any one in your behalf, in 1896 make application  
to this Commission for citizenship under the act of Congress of  
June 10th, 1896.  
A No, sir; not as I know of.  
Q You know that you made no application? A I know I  
never made no application myself.  
Q You never made any application, did you, in 1896? A No,  
sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by judgment of the United States Courts in the Indian Territory?  
A No, sir.  
Q Did you ever previous to this time make any application to  
either the Choctaw tribal authorities, or authorities of the  
United States for either citizenship or for enrollment as a Choctaw?  
A No, sir.  
Q This is your first application of any description? A Yes,  
sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A I have always been taught that.

Q That you are entitled to rights under this article of this treaty? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A I don't know exactly whether they did or not. I have been taught my grand mother was on the roll, Nellie Watson.

Q You are making your claim under the 14th article of the treaty of 1830? A Yes, sir.

Q What is the name of your ancestor who resided in the State of Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians, and who was recognized as a member of that tribe? A Doped if I know.

Q Don't you know who your ancestor was? A I don't know exactly. I am a little hard of hearing. I can't hear at all out of this ear. I don't exactly understand you.

Q What was the name of your mother, your grand mother, or old people from whom you are descended who were Indians in Mississippi in 1830? A My grand mother or my great grand mother.

Q Which one of them was a Choctaw Indian in 1830 and in Mississippi? A Why Nellie Watson.

Q Have you any evidence that she was a recognized member of the tribe of Choctaw Indians in Mississippi in 1830? A (No response.)

Q Did she remove from Mississippi to the Choctaw Nation in the Indian Territory? A I don't know, sir.

Q Did she signify to the Choctaw Indian Agent of the Choctaw Indians in Mississippi her intention to remain there and become a citizen of that State? A I don't know sir.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A I don't know, sir.

Q You are making your application solely under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q You do not claim under any other treaty or stipulations between the United States and the Choctaw Indians? A No, sir.

Q Are you married? A No, sir.

Q Have you ever been married? A No, sir.

Q You are making this application solely on your own behalf? A Yes, sir.

Q Is there any further statement you desire to make in support of your application? A No, sir.

Q Have you any documentary evidence that you desire to submit in connection with your application? A No, sir; not now.

THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application, provided the same is offered for filing with the Commission within thirty days hereof.

BY THE COMMISSION: The decision of the Commission as to your application for identification as Mississippi Choctaw will be mailed to you in ~~your~~ writing at your present post office address in the near future.

-----o-----

Wm. S. Wellbhear, being first duly sworn, upon his oath states

that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24<sup>th</sup> day of November  
A. D. 1900.

*W. S. MacShea*  
*Guy L. Emerson*  
Notary Public.

COPY.

M.C.R. 1061.

Muskogee, Indian Territory, July 12, 1902.

Joseph N. McKeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas McKeely, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McKeely et al.,	M.C.R. 1060
Martha L. Sarreals, et al.,	M.C.R. 1060
James McKeely et al.,	M.C.R. 1061
William L. McKeely,	M.C.R. 1060
George N. McKeely,	M.C.R. 1060
Laura Farris et al.,	M.C.R. 1062
Joseph N. McKeely,	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 23, 1890 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



-2-

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary E. Sorrels, Gillie P. Sorrels, Edna E. Sorrels, Thomas F. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rags Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris, Jesse Paris, Luther Paris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Drucilla McNeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

Acting Chairman,

Registered.

COPY.

M. C. R. 1061

Muskogee, Indian Territory, October 15, 1902.

Joseph E. McNeely,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*I. B. Needles*

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date NOV 22 1900

Name Joseph O. Mc. Neely.

Age 25 Blood  $\frac{1}{8}$

Post Office, Cliff, Ind. Ter.

Father: George Mc. Neely - ✓

Mother: Mollie Mc. Neely - dead

Claims through father.

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1900



ACTING CHAIRMAN.

Choctaw MCR 1062

MCR 1062

Laura Faris

See MCR 1058

*Laura Jones*

REFUSED

DECISION RENDERED.

JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 12 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

JUL 12 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT.

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT -3 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 1058

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 22nd, 1900.

IN THE MATTER OF THE APPLICATION FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS OF LAURA PARIS AND HER TWO MINOR CHILDREN.  
Said Laura Paris being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Laura Paris.
- Q What is your age? A Twenty-eight.
- Q What is your post office address? A Cliff, Indian Territory.
- Q Are you a resident of the Indian Territory? A Yes, sir.
- Q How long have you resided here? A Pretty near four years.
- Q Have you maintained a continuous residence in the Indian Territory for the past four years? A Yes, sir.
- Q Where did you live before that? A In Texas.
- Q How long did you live in Texas? A Twenty-four years.
- Q You were born in Texas? A Yes, sir.
- Q How much Choctaw blood do you claim? A One eighth.
- Q What is your father's name? A George McNeely.
- Q Is your father living? A Yes, sir.
- Q What is your mother's name? A Mollie McNeely.
- Q Is your mother living? A No, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Through my father.
- Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A No, sir.
- MR. D. M. WISDOM (Of counsel for applicant) Don't you mean that you don't know? A Yes, sir. I don't know.
- Q Was your father ever recognized by the tribal authorities of the Choctaw Nation as a citizen of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen? A No, sir.
- Q Did you, or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.
- Q Have you ever previous to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.
- Q This is your first application of my description? A Yes, sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in under the Choctaw lands under the provisions of the 14th article of the Treaty of 1830? A I have always been taught that I was.
- Q Under the 14th article of the treaty of 1830? A Yes, sir.
- Q You are making your claim then under the provisions of that treaty? A Yes, sir.
- Q Did any of your ancestors ever comply with the 14th article of the treaty of 1830? A I don't know.

Laura Paris et al--2.

Q What was the name of your ancestor who was a resident of the State of Mississippi in 1830 and who was at that time a recognized member of the Choctaw tribe of Indians? A Nellie Watson was my great grand mother.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes, sir; I think so.

Q Have you got any evidence of that fact? A No, sir.

Q Did she remove from Mississippi to the Choctaw Nation in the Indian Territory when the Choctaw Indians removed here under the provisions of the treaty with the United States? A I don't know.

Q Did she signify to the United States Indian Agent of Choctaw Indians in Mississippi her intention to remain and become a citizen of that State ~~under~~ after the ratification of this treaty? A I don't know.

Q Did any of your ancestors ever receive of claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not that I know of.

Q Are you making my claim under any other treaty or stipulation between the United States and the Choctaw Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A Edward Paris.

Q Are you making my claim for him? A No, sir.

Q He is a white man? A Yes, sir.

Q He never made my claim to my citizenship by blood, did he?

A No, sir.

Q Where did you marry him? A In Texas.

Q When? A In 1891.

Q Have you any children? A Yes, sir.

Q How many? A Two.

Q What are their names and ages? A Jesse Paris.

Q How old is Jesse? A He is seven years old.

Q The next one? A His name is Luther.

Q How old is Luther? A He is ten months old.

Q Are you the mother of both of these children? A Yes, sir.

Q Edward Paris is the father? A Yes, sir.

Q These children live with you at home? A Yes, sir.

Q You and your husband live together at home? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your two minor children? A No, sir.

Q Is there any written evidence you desire to offer the Commission in connection with your application? A Yes, sir, but not now. I haven't got it yet.

BY THE COMMISSION: Permission will be granted the applicant to file written evidence in support of her application, provided the same is offered for filing within thirty days from the date hereof.

BY THE COMMISSION: The decision of the Commission as to your application and the application made by you on behalf of your two minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future at your present post office address.

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24th day of November 1900.

L. L. Emerson  
Notary Public.

COPY.

M.C.R. 1062.

Waskogee, Indian Territory, July 12, 1902.

Laura Paris,

Cliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 12th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas McNeely et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas McNeely et al.,	M.C.R. 1058
Martha L. Sorrels et al.,	M.C.R. 1065
James McNeely et al.,	M.C.R. 1057
William L. McNeely,	M.C.R. 1060
George W. McNeely,	M.C.R. 1059
Laura Paris et al.,	M.C.R. 1062
Joseph P. McNeely,	M.C.R. 1061
Ellen Black et al.,	M.C.R. 1202

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:



"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas McNeely, Thomas Lee McNeely, Martha L. Sorrels, Charles H. Sorrels, John T. Sorrels, Mary B. Sorrels, Gillie P. Sorrels, Edna H. Sorrels, Thomas P. Sorrels, Laura Sorrels, James McNeely, Fred McNeely, William Lafayette McNeely, George M. McNeely, Rose Ann McNeely, Pearl Elizabeth McNeely, Fannie McNeely, Laura Paris, Jesse Paris, Luther Paris, Joseph Earnest McNeely, Ellen Black and Beulah Black, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

"It is further the opinion of this Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and the application made by Thomas McNeely for the identification of his wife, Drucille McNeely, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

RECEIVED

Acting Chairman.

Registered.

COPY

M. C. R. 1062

Muskogee, Indian Territory, October 15, 1902.

Laura Faris,

Cliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas McNeely, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

No. 1062

For Identification as a Mississippi Choctaw.

Date NOV 22 1900

Name *Lura Paris.*

Age *28* Blood *1/8*

Post Office *Cliff, Ind. Ter.*

Father: *George Mc. Neely - ✓*

Mother: *Mollie Mc. Neely - dead.*

Claims through *father.*

HUSBAND:

*Edward Paris.*

*(No claim for husband).*

Children:

*Jesse Paris 7.*

*Luther " 10 mo.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1900



ACTING CHAIRMAN.

Choctaw MCR 1063

Francis Smith

MCR 1063

CHOCTAW R. 10

*Francis Smith*

REFUSED

DECISION RENDERED.

NOV 1- 1902

NOTICE OF DECISION MAILED APPLICANT.

NOV -1 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

NOV -1 1902

RECORD FORWARDED DEPARTMENT.

NOV 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JAN 31 1903

NOTICE OF DEPARTMENTAL ACTION  
FOR ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JAN 31 1903

The R. 3

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 24th, 1900.

IN THE MATTER OF THE APPLICATION OF FRANCIS SMITH FOR IDENTIFICATION  
AS A MISSISSIPPI CHOCTAW.

The said Francis Smith, being duly sworn, testified as follows:  
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Francis Smith.
- Q What is your age? A Forty-eight.
- Q What is your post office address? A Goodland, Indian Territory.
- Q Are you a resident of the Indian territory? A Yes, sir.
- Q How long have you lived here? A Twenty-seven years.
- Q Have you maintained a continuous residence in the Indian Territory for twenty-seven years? A Yes, sir.
- Q Have you been outside of it during that time? A Not to live.
- Q Where did you live before your residence in the Indian Territory?
- A In Texas.
- Q How long did you live in Texas? A About nine years.
- Q Where did you live before that? A We came from Missouri, here.
- Q How long did you live in Missouri? A We lived there a year.
- We may have lived there longer. I was a small child.
- Q Where did you live prior to your residence in Missouri? A
- We came from Mississippi to Missouri.
- Q What part of Mississippi? A I don't know. I don't remember.
- Q Were you born in Mississippi? A I don't know whether I was or not.
- Q Where were you born? A I don't know.
- Q How much Choctaw blood do you claim? A I don't know how much.
- Q How much Choctaw are you? A Well, I couldn't tell you. I just know my parents claimed it that is all.
- Q Well, how much do you claim? A I don't know, for I don't know how much they was.
- Q You will have to determine for yourself how much of a Choctaw you are. We can't do it.
- Q Well, to the best of my knowledge I would say a quarter.
- Q You are a quarter Choctaw are you? A Yes, sir; I think so.
- Q What is your father's name? A James Foster.
- Q Is he living? A No, sir.
- Q What is your mother's name? A Margaret Foster.
- Q She was a Haley before she was married? A Yes, sir.
- Q Is your mother living? A No, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Both of them.
- Q How long have your father and mother been dead? A Just been dead two years.
- Q Both of them? A No, sir. Father has been dead ever since 1861.
- Q Were your father and mother ever recognized during their lifetime as citizens of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- A No, sir.
- BY THE COMMISSION: The tribal rolls of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.
- Q Have you ever made application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the Choctaw tribal authorities as a citizen? A Nothing more than I have told you.

Francis Smith, Mississippi Choctaw---2.

Q I mean recognized as a citizen now, as a citizen by blood. Did they ever recognize you as a Choctaw Indian by blood and enroll you as such? A No, sir; they never enrolled me.

Q You have never been admitted to citizenship, have you? A Not that I know of. I never made any application before.

Q Did you make application to the Five Civilized Tribes for citizenship in the Choctaw Nation in 1896, under the Act of Congress of June 10th, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.

Q Have you prior to this time ever made any application, either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.

Q You are now making application for identification as a Mississippi Choctaw, are you? A Yes, sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th Article of the treaty of 1830? A I thought I had as much right as any of the applicants that was trying for it.

Q Is that the only reason, that somebody is trying for it, you think you ought to be identified now? A No, it is not because somebody else has applied. I think I have a right.

Q Are you making your application under the provisions of the 14th article of the treaty of 1830? A I am just making it because father and mother said we was Indians.

Q Are you making it as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A Not that I know of. If they did I didn't know it.

Q Did any of your ancestors ever receive any benefits under the 14th article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor or ancestors who were residents of the State of Mississippi in the year 1830 and who were recognized members of the Choctaw tribe of Indians at the time that treaty was entered into? A The Fosters and Haleys and Hickses.

Q Now, I want the name of your ancestor through whom you claim this right, and who was a recognized member of the Choctaw tribe of Indians at that time. What was his name? A I don't know whether they were recognized or not. I don't know which one.

Q Did any of your ancestors ever signify to the United States Indian Agent in Mississippi their intention to remain and become citizens of the state of Mississippi within six months after the ratification of that treaty? A I don't know, sir.

Q Did any of your ancestors ever receive or claim lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q Do you know when your people left Mississippi? A No, sir.

Q Do you know anything about their residence in Mississippi? A No, sir.

Q Do you know anything of their recognition as members of the Choctaw tribes of Indians? A No, sir.

Q What is the first knowledge you have of your ancestors? How far back does it go? A It goes farther back than my grand parents.

Q Were they residents of the State of Mississippi? A Yes, sir; always claimed that.

Q Were they members of the Choctaw tribe of Indians in Mississippi? A Yes, sir.

Q Have you any evidence of that fact? A I don't know whether I have got any or not.

Q What are the names of your grandparents? A Foster and Haley.

Francis Smith, Miss. Choc.--3.

Q Their full given names? A David was my grandfather's name on the Foster side.

Q Now, what do you know about David Foster? A I don't know anything only he was my grandfather.

Q Do you know anything about his residence in Mississippi? A No, sir.

Q Do you know anything about his Choctaw citizenship? A No, sir.

Q Was he ever recognized as a member of the Choctaw tribe of Indians? A Not that I know of.

Q Did he die in Mississippi? A I think so, I don't know.

Q Do you know when he died? A No, sir.

Q Is that on your mother's side or your father's side? A My father's side.

Q Now, who were your ancestors on your mother's side? A Grandpa Haley.

Q What was his full given name? A Levi.

Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi? A I don't know.

Q Do you know when he left Mississippi? A He died there I think.

Q Do you know when he died? A No, sir.

Q Do you know anything about his Choctaw citizenship in Mississippi? A No, sir.

Q Did any of your ancestors, either on your mother's side or your father's side, ever remove from Mississippi to the Choctaw Nation in the Indian Territory? A Nobody but my parents, as I know of.

Q When did they leave Mississippi? A I don't know.

Q Do you make any claim under any other treaty stipulation between the United States and the Choctaw Indians besides this 14th article of the treaty of 1830? A No, sir.

Q Are you married? A Yes, sir.

Q Is your husband living? A I don't know whether he is or not.

Q You are not living with him? A No, sir.

Q Are you making any claim for him? A No, sir.

Q Have you any children under twenty-one years of age and unmarried? A No, sir.

Q You are just making this application on your own behalf?

A Yes, sir.

Q Is there any additional statement you desire to make? A No, sir.

Q Is there any written evidence you desire to file with the Commission in support of this application? A No, sir.

BY THE COMMISSION: The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address.

-----o-----

Wm. S. Wellaher, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the above entitled cause on the 24th day of November, 1900, and that the above and foregoing is a correct and true transcript of his stenographic notes in said cause.

Subscribed and sworn to before me this 24 day of November, 1900.

*Wm. S. Wellaher*  
*Wm. S. Wellaher*  
Notary Public.



C. W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Francis Smith for  
identification as a Mississippi Choctaw-----M.C.N. 1063.

----- D E C I S I O N -----

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
by Francis Smith for herself, under the following provision of the  
act of Congress approved June 28, 1898 (30 Stats. 498):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses and perform all other  
acts necessary thereto and make report to the Secretary of the  
Interior."

It also appears that said applicant claims rights in the  
Choctaw lands under article fourteen of the treaty between the  
United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being a descend-

ant of David Foster and Levi Haley, both of whom are alleged to have been Choctaw Indians, degree of blood not given. The applicant further states that she derived Choctaw blood from the Hicks family, but does not give the name of an ancestor bearing that name.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that this applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321.)

It does not appear from the testimony offered in support of this application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said David Foster or Levi Haley or any person bearing the name of Hicks, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513.)

It further appears from the records of the Commission that this applicant applied for enrollment as a citizen by intermarriage of the Choctaw Nation, said application being numbered R. 726, in which application no decision has as yet been rendered.

It is the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Smith as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that her application for identification as such should therefore be refused, and it is so ordered, but this decision shall be in no way prejudicial to whatever rights the applicant may have as a citizen by intermarriage of the Choctaw Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

James Bixby.

Acting Chairman

T. B. Needles.

Commissioner

C. F. Breckinridge.

Commissioner

Muskogee, Indian Territory

NOV 1 1903

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis Smith, for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Francis Smith, appeared before the Commission at Muskogee, Indian Territory, November 24, 1900, and there made application for identification as a Mississippi Choctaw.

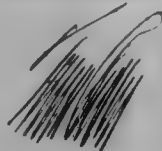
The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Francis Smith for identification as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory.

Acting Chairman.

FEB 18 1901

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Francis Smith  
for identification as a Mississippi Choctaw,

M.C.R. 1063

-----  
List of papers forwarded to the Secretary of the Interior with  
the above case, together with the page occupied by each in said  
record.  
-----

Original application of Francis Smith to the Dawes Com-  
mission for identification as a Mississippi Choctaw

Page

1

Decision of the Commission refusing the application of  
Francis Smith for identification as a Mississippi  
Choctaw

4

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1901.

Francis Smith,

Goodland, Indian Territory.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

Encl 1 a

Reg M.

9 MCR1063

- COPY.

Muskogee, Indian Territory, November 1, 1902.

Francis Smith,

Goodland, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Francis Smith, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concludes September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Smith as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for identification as such should be refused, and it is so ordered, but this decision shall be in no way prejudicial to whatever rights the applicant may have as a citizen by intermarriage of the Choctaw Nation."

P 8-2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

1898

*Tamie Dickey.*  
Acting Chairman.

Registered.



COPY.

Muskogee, Indian Territory, November 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Francis Smith, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Smith as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that her application for identification as such should be refused, and it is so ordered, but this decision shall be in no way prejudicial to whatever rights the applicant may have as a citizen by intermarriage of the Choctaw Nation".

M MAM & C-2.

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tamc Dixby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Francis Smith, applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of November 1st, 1902.

The Commission has the honor to report that the applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*Sam Dixby.*

Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
Enc. M C R 1063.

Muskogee, Indian Territory, January 19, 1903.

Frances Smith,

Hugo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you ask to be advised of the present status of your case. You ask "that in the event of your application being refused how you should proceed to get re-imbursed for the value of improvements on land which you are now holding."

In reply you are informed that the record in your case together with the decision of the Commission refusing your application for identification as a Mississippi Choctaw was on November 17, 1902, forwarded to the Secretary of the Interior; up to the present time the Commission has not been advised of any Departmental action thereon.

The Commission cannot advise you as to how you should proceed in the matter of being re-imbursed for improvements on lands which you now hold; matters of this kind do not come within its jurisdiction.

Respectfully,

Commissioner in Charge

D.C. 2085

C O P Y

ITD.7994-1902.

DEPARTMENT OF THE INTERIOR,

W A S H I N G T O N .

L.R.S.

January 20, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Francis Smith as a Mississippi Choctaw.

The applicant endeavors to trace her Choctaw descent from one David Foster and one Levi Haley, both of whom are alleged to have been Choctaw Indians.

The record fails to show that the applicant was ever enrolled or admitted to citizenship in the Choctaw Nation, or that said David Foster or said Levi Haley, or a less remote ancestor complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

The Commissioner of Indian Affairs forwarded the papers December 20, and recommended that your decision be approved. A copy of his communication is inclosed herewith. Having carefully considered the whole record in this case and found no reason to disturb your decision, it is hereby affirmed.

Respectfully,

Thos. Ryan,

1 inclosure.

Acting Secretary.

Land.  
69867-1902

-:- J O P Y -:-

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith, a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Francis Smith for identification as a Choctaw Indian.

November 1, 1902, the Commission held that the applicant was not entitled to identification.

Descent is claimed from David Foster and Levi Haley, it being claimed that they were members of the Choctaw tribes of Indians in Mississippi in 1830, and that they complied or attempted to comply with the provision of Article 14 of the treaty. The applicant is not a full-blood Choctaw Indian. A careful search of the records of this office fails to show that David Foster or Levi Haley received a patent for land under the provisions of Article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; Neither does it appear that they applied to the Commissioners appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, or they had any, as Choctaw Indians. It is therefore respectfully recommended that the decision of the Commission rejecting the application be approved.

Very respectfully,

C.T.C. L.

W. A. Jones,

Commissioner.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Hansfield, McMurray & Garnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Francis Smith, of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

SIGNED

*Tame Bixby.*

Acting Chairman.

COPY.

M.O.R. 1063

Muskogee, Indian Territory, January 31, 1903.

Francis Smith,

Goodland, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*

Acting Chairman.



Muskogee, Indian Territory, January 2, 1904.

Frances Smith,  
Hugo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you state that you applied for identification as a Mississippi Choctaw on November 25, 1900, and ask that the Commission keep Isaac Alexander from taking your improvements.

In reply you are informed that on January 20, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly advised on January 31, 1903.

The Commission now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman

Muskogee, Indian Territory, July 10, 1903.

L. D. Norton,

Boswell, Indian Territory.

Dear sir:

Replying to your communication of the 27th ultimo in which you desire to be advised the status of the case of Mrs. Francis Smith, you are informed that on January 20, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes, dated November 1, 1902, refusing the application of Francis Smith for identification as a Mississippi Choctaw. This case is considered closed.

Respectfully,

Commissioner.

No. 1063

For Identification as a Mississippi Choctaw.

Date

NOV 24 1900

Name

Francis Smith

Age

48

Blood

1/4

Post Office,

Goodland, A. T.

Father:

James Foster - dead

Mother:

Margaret Foster - dead

Claims through both father and mother.

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

NOV 24 1900



ACTING COMMISSIONER

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

REFUSED.

*Francis Smith*

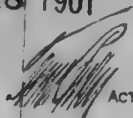
*See Choctaw*

Judgment Written Feb'y 7, 1901.

G. R.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.

FEB. 18 1901



ACTING CHAIRMAN.

DECISION PREPARED

Choctaw MCR 1064

MCR 1064

Zylla H. Moore

See MCR 219

REFUSED.

DECISION RENDERED.

JAN 29 1902

RECORD FORWARDED DEPARTMENT

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT

FEB 4 1902

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 31 1902

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R. 219

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Zylla H. Moore Cardin for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Zylla H. Moore Cardin appeared before the Commission at Muskogee, Indian Territory, November 26, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (Public No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Zylla H. Moore Cardin as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

ACTING CHAIRMAN.

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 26, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Zylla H. Moore Cardin.

Said Zylla H. Moore Cardin, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Zylla H. Moore Cardin.

Q What is your age? A Twenty-nine.

Q What is your post office address? A View, Crittenden County, Kentucky.

Q How long have you lived in Kentucky? A A very little over six years. I have been there six years last September.

Q Where did you live before your residence in Kentucky? A Sherman, Texas.

Q How long were you a resident of Texas? A I have lived all my life there, born and raised there.

Q You were born and raised in Texas and lived there until six years ago when you moved to Kentucky? A Yes, sir; when I was married.

Q How much Choctaw blood do you claim? A One-sixteenth.

Q What is your father's name? A Mr. Edwin Moore.

Q Is your father living? A Yes, sir.

Q What is your mother's name? A Victoria Shannon Moore. Shannon was her maiden name.

Q Is your mother living? A Yes, sir.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q Was your mother's name ever on the tribal rolls of the Choctaw Nation in the Indian Territory? A Not to my knowledge, I think not.

Q Was your mother ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I don't know. I wouldn't suppose she was.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.

Q Did you ever make application to the Choctaw authorities for citizenship in the Choctaw Nation? A No, sir.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their Council as a citizen? A This is the first time I ever was in the Territory for an hour in my life almost.

Q Did you, or did any one for you in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A Not that I know of.

Q You would know if you made any application. A I suppose so.

Q You didn't authorize anybody to make any application for you? A No, sir. This is the first time I ever talked about being an Indian without crying about the idea.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A Possibly so, I don't know.

Q You couldn't have been admitted by the United States Courts unless you first applied to the Choctaw authorities or to this Commission. A Well, it never happened then. I thought you meant I was claiming, possibly, under some Act that had already been passed.

Q No, these Courts only have appellate jurisdiction over cases which come before the Commission or the Choctaw authorities.

A Well, this is the first then.



Q This is the first application of any description you have ever made for admission as a Choctaw citizen? A Yes, sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Who do you believe that you are entitled to be identified by the Commission as a Choctaw Indian entitled to rights in the Choctaw lands as a beneficiary under the 14th article of the treaty of 1830? A I don't know under what special article I am claiming; it is under any that fit my case. It is only recently that I have had any real understanding as to exactly what Indian blood we were supposed to have. Of course I have always understood in our family that we all had some Indian blood, but you know how vague those things often are.

Q The authority of the Commission to hear and determine the rights of applicants for identification as Mississippi Choctaws is contained in the 21st section of the Act of Congress of June 28, 1898, which is generally known as the Curtis Act. It provides that the Commission shall have authority to "determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, 1830, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior." That is the authority under the law by which the Commission can identify Mississippi Choctaws, and it is only those who claim rights in the Choctaw lands under the 14th article of the treaty of 1830, entered into between the United States and the Choctaw Indians in Mississippi, providing for their removal west of the Mississippi to the country which is now the Choctaw and Chickasaw Nations in the Indian Territory, but the government conceded the right to the Indians to remain in the State of Mississippi, if they wanted to, and in this treaty there was inserted this 14th article: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." Are you making your claim, then, under the provisions of the 14th article of the treaty of 1830? A Well, I Don't know. I didn't know of this. My lawyer told me to state I was claiming under any and all treaties that covered cases similar to mine.

Q We couldn't take any such application as that for the reason the authority of law which gives the Commission the right to hear applications of Mississippi Choctaws only provides that they shall hear only those who claim under the 14th article of the treaty of 1830. A Well, I suppose, then, I must apply under that. I suppose that is all I come under.

Q You have heard the 14th article of the treaty read, I just read it to you now. Did any of your ancestors ever comply with the provisions of that article of that treaty? A Well, naturally that is a thing of which I have no personal knowledge, so I couldn't answer

Zylla H. Moore Cardin---3.

under oath.

Q You don't know, then, do you? A No, sir; I don't know. They may and they may not have.

Q Were your ancestors residents of Mississippi and members of the Choctaw tribe of Indians in Mississippi in 1830? A I understand my great grandmother was recognized as a half blood.

Q What was her name? A Elizabeth Barnett.

Q What relation was she to you? A She was my grandfather's mother. She is my great grandmother.

Q Was Elizabeth Barnett a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I have a number of affidavits stating that she was so considered.

Q Did she signify to the United States Indian Agent in Mississippi within six months after the ratification of this treaty her intention to remain and become a citizen of the State of Mississippi? A I think she did.

Q Do you know when she left Mississippi? A Well, it was about 1830.

Q That she left there? A I have the affidavits here of men who were living at that time who knew them at Old Warren--You understand that Old Warren is practically in the Territory--they said that Elizabeth Barrett and her husband attended services with other Indians, that they met with them in all sorts of friendly intercourse, and they were recognized as relatives of others who were living there, and she was considered, and has always claimed to be, a half blood.

Q Now, to the best of your knowledge and belief, then, Elizabeth Barrett left Mississippi about 1830? A Yes, sir.

Q Now, where did she come to? A Out near Old Warren, in Texas. As I understand that is right across Red River from the Territory at some point.

Q How long did she live after she came to Texas, and did she remain all the time in the State of Texas? A I think so.

Q How long did she live in Texas after ~~removing~~ removing from Mississippi? A Well, from the number of children she must have lived a good while.

Q She did not come west with the other members of the Choctaw tribe of Indians when they removed here to the Territory under the treaty of 1830? A My understanding is that they were very well to do people, and came possibly under better arrangements, but they did not come under government provision.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw Indians? A Well, that is just what I have been saying. Of course if there is any other treaty that covered this ground I suppose I would.

Q You understand that if you do make any other claims under any other provisions as a Mississippi Choctaw, the Commission could not hear you. That is not within our authority.

Q Well, suppose at some other time some other Commission was appointed to see about it.

Q Then, you would have to go before that Commission. A Well, of course I am not claiming anything from you but what you are authorized to consider, but I suppose that it is just like in law. You may pass on this, I understand, but cannot pass authoratively on the other.

Q Are you married? A Yes, sir.

Zylla H. Moore Cardin---4.

Q What is the name of your husband? A Alpheus Hamit Cardin.

Q You are making neapplication for him? A No, sir.

Q Is he a white man? A Yes, sir.

Q He never made any claim to Indian citizenship? A No, sir.

Q Have you any children? A No, sir.

Q You are just making this application on your own behalf? A Yes, sir.

Q Is there any additional statement you desire to make? A I wish to present this testimony. (indicating papers.)

BY THE COMMISSION: There is offered in evidence and made a part of the records in this case the original application to the Commission of Zylla H. Moore Gradin, and the affidavits annexed thereto of Shadrach Potts, William S. Thurman, J. P. Hopsen, John Lewis, Charles Smith, Jonas Frazier and J. S. Martin.

THE APPLICANT: Now, if my lawyers desired to do so, would they be entitled to file any further evidence, or does this close this?

BY THE COMMISSION: How much time do they want? A I don't know. I don't know that they want any. I was just asking for information. We consider this a pretty good case.

BY THE COMMISSION: The Commission will grant a certain time in which to offer additional written testimony, or evidence. Of course we must designate some reasonable time so the case could be finally decided.

THE APPLICANT: Well, I don't know that they desire it, and I would like to hear the result. What do you consider time?

BY THE COMMISSION: Thirty days.

BY THE COMMISSION: The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address.

-----o-----

Wm. S. Wellshear, being duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application for ~~identification~~ identification as a Mississippi Choctaw, and that the foregoing is a correct and true transcript of his stenographic notes thereof.

*W. S. Wellshear*

Subscribed and sworn to before me this 27th day of November A. D. 1900.

*L. L. Emerson*  
Notary Public.

Muskogee, Indian Territory, September 9, 1901.

Kylla H. Moore Cardin,

View, Crittenden County, Kentucky.

Dear Madam:

In the matter of the applications for identification as  
Mississippi Choctaws of

Julia F. Moore, et al.,  
Benjamin S. Moore,  
Vic Tolson,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on November 26, 1900, you appeared before this Commission at Muskogee, Indian Territory, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901,

E.H.M.C. #2

at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 1064

COPY.

Muskogee, Indian Territory, February 4, 1902.

Zylla H. Moore Gardin,  
View, Kentucky,

Dear Madam:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R. 219
Victoria Moore, et al.,	M.C.R. 220
Benjamin Shannon Moore,	M.C.R. 311
Zelma M. Murphy, et al.,	M.C.R. 312
Vic Tolson,	M.C.R. 313
Inez Tolson,	M.C.R. 314
Julia Tolson Moore, et al.,	M.C.R. 315
Margaret Tolson, et al.,	M.C.R. 316
Stella H. Bruce, et al.,	M.C.R. 369
Clyde Shannon,	M.C.R. 437
Claude Shannon Pugh, et al.,	M.C.R. 438
Dugan Shannon, et al.,	M.C.R. 439
William Tolson,	M.C.R. 441
William M. Shannon,	M.C.R. 466
Walter Scott Shannon, et al.,	M.C.R. 472
Robert Gaston Shannon, et al.	M.C.R. 488
Lissie Ray, et al.,	M.C.R. 489
Pearl King,	M.C.R. 501
Inez Shannon Shivers, et al.,	M.C.R. 502
Robert Alner King, et al.,	M.C.R. 868
Zylla H. Moore Gardin,	M.C.R. 1064
Walter J. B. Richards, et al.,	M.C.R. 1091
Maud L. DuPuy, et al.,	M.C.R. 1093
Frank McDonald Richards,	M.C.R. 1094

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maude Elisabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King, Jr., Vera King, John Irving King, Zylla H. Moore Cardin, Walter J. B. Richards, Claud Henry Richards, Murrell Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*James D. [Signature]*



M.C.R. 1064

Muskogee, Indian Territory, April 9, 1902

Eylla H. Moore Gordin,

View, Kentucky.

Dear Madam:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Cherokees of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge



No. 1064

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Gylla N. Moore Cardin.*

Age *29.* Blood *1/16.*

Post Office, *View, Kentucky.*

Father: *Edwin Moore - ✓*

Mother: *Victoria Shannon Moore - ✓*

Claims through *Mother.*

HUSBAND:

*Alpheus N. Cardin.*

Children:

P.O.

*View,*

*Crittenden County,  
Kentucky.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**



Choctaw MCR 1065

Cyrus L. Fix

MCR 1065

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 26th, 1900

IN THE MATTER OF THE APPLICATION OF CYRUS L. FIX FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

The said Cyrus L. Fix, being duly sworn, was examined by the commission, and testified as follows:

- Q What is your name? A Cyrus L. Fix.
- Q What is your age? A Twenty six years old past.
- Q What is your post office address? A Lyndon, Kansas.
- Q Are you a resident of the State of Kansas? A Yes, sir; at the present time.
- Q How long have you lived there? A It will be rather hard for me to tell just how long, but I believe about twenty two years.
- Q Have you maintained a continuous residence in Kansas for that length of time, for the last twenty two years? A No, sir; I have not.
- Q Where did you maintain any other residence during that time? A I lived in Colorado one winter.
- Q What winter? A It was the winter of the other campaign, four years ago.
- Q Is there any other residence you have maintained? A Oklahoma or the Indian Territory, rather, one summer, that was in 1898 or 1899.
- Q How much of a residence did you have in the Indian Territory? A My home was there for about eight months, I believe.
- Q What did your home consist of? A Well, it was ~~not~~ a home, a place to live. That is about all I can say.
- Q What were you doing in the Indian Territory? A Well, we came into Oklahoma just in the boom----
- Q I am talking about the Indian Territory now. A Well, to get to Oklahoma I had to go in the Territory.
- Q You only moved through the Indian Territory? A Yes, sir.
- Q You went through the Cherokee Nation? A Yes, sir.
- Q You never made a residence in the Indian Territory? A Not unless that would be called in the Indian Territory at that time. I don't know how that is.
- Q Have you ever lived in Mississippi? A No, sir.
- Q You are making application as a Mississippi Choctaw, are you not? A Yes, sir.
- Q How much Choctaw blood do you claim? A One-sixteenth.
- Q What is your father's name? A Cyrus H. Fix.
- Q Is your father living? A Yes, sir.
- Q What is your mother's name? A Mary A. Fix.
- Q Is your mother living? A No, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A Not that I am aware of.
- Q Was your father ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Not that I am aware of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir; not only here, I suppose; it is here by my father.
- Q This is not the Choctaw authority. The Commissioners are preparing a roll of the citizens of the Choctaw Nation, but it is not the tribal authorities.
- A Well, my name is not on the Choctaw tribal roll then.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.

Q Have you ever been recognized by the Choctaw tribal authorities in any manner as a citizen of that Nation? A No, sir.

Q Did you or did any one for you or in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A Not that I know of.

Q You would know if you made an application, wouldn't you? A Yes, sir; I know that I did not; and there was no one in my behalf that I know of. I don't suppose they would without my authority.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on appeal from the Choctaw authorities or the decision of this Commission? A No, sir.

Q Have you ever, previous to this time, made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A Not personally. I did through my father.

Q When? A Last spring, I believe.

Q Where? A Here before the Dawes Commission. I believe it was here at Muskogee.

Q I thought you said you had never made any application before. There is no record of any application having ever been made by your father on your behalf, either for identification or enrollment as a Choctaw. A Well, I authorized him to. I don't know whether he did or not.

Q No, sir. Your father appeared before the Commission for identification as a Mississippi Choctaw within the last week or so. A Wasn't there any application before that?

Q No, sir. You are making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Because I believe I have a right.

Q Why do you believe you have a right? Why do you believe you are entitled to rights in the Choctaw lands under the 14th article of the treaty of 1830? A Under that treaty I understand that the Mississippi Choctaws should have lands here in this Choctaw Nation in the Indian Territory. As I have blood of that tribe, I don't see why I should not have a right.

Q You are making your claim, then, as a beneficiary under the 14th article of that treaty are you? A Yes, sir.

Q Did any of your ancestors every comply with the provisions of that article of that treaty? A I suppose they did. Of course I don't know whether they did or not.

Q What did they do? A By helping make the treaty I suppose with the government.

Q Were your ancestors recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A Yes, sir; as near as I can find out.

Q What evidence have you of that fact? A I haven't any.

Q What is the name of your ancestor through whom you claim your right ~~xx this~~ and who was a member of the Choctaw tribe of Indians in Mississippi in 1830? A My father's mother, and she was a daughter of Peter Picayune.

Q What relation was Peter Picayune to you? A He would be my great grandfather.

Q You are a direct lineal descendent of Peter Picayune? A Yes, sir.

Q What evidence have you that he was a member of the Choctaw tribe of Indians in 1830? A I haven't any evidence.

Q Did Peter Picayune, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent

Cyrus L. Fix---3.

of the Choctaw Indians in Mississippi of his intention to remain and become a citizen of the United States? A I don't know.

Q What do you know of his residence in Mississippi? A The truth is, I don't know anything as to his intention.

Q Do you know where he died? A No, sir; I do not.

Q When did your father leave Mississippi? A I couldn't say that.

Q Do you know whether he ever left Mississippi? A I don't, no, sir.

Q Do you know anything about your ancestors residence in Mississippi, and recognition as Choctaw Indians? A No, sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi under the 14th article of the treaty of 1830?

A According to my information they did.

Q Have you any evidence of that fact? A No, sir.

Q Have you either the original or a certified copy of the patent issued by the United States government to your ancestors to any land in Mississippi? A No, sir.

Q Why did you say they received land there as beneficiaries under this article of this treaty? A According to the evidence that I have saw I believe it.

Q What does your evidence consist of? A It consists of some affidavits or proof filed here.

Q You say this evidence consists of affidavits. Now you say your ancestors received land in Mississippi under the 14th article of the treaty of 1830, and you say you have evidence of that fact that consists of affidavits. What do these affidavits show? A You want to know what I have in affidavits to show that my ancestors did have land there in Mississippi.

Q No, sir. I want to know if they received any land from the United States government as beneficiaries under the 14th article of the treaty of 1830? A I haven't got any evidence for that.

Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw tribe of Indians?

A No, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A Susie A.

Q She is a white woman? A Yes, sir.

Q Are you making an claim for her? A Only as my wife.

Q Well, are you claiming for her as a Mississippi Choctaw? A No, sir.

Q You are not making any claim for her. A Well, only as my wife.

Q What do you mean? Are you making any claim for her?

A As a Mississippi Choctaw?

Q Are you making any claim for her? A I don't know hardly how to answer you. She is my wife and of course. If there is anything coming to an Indian's wife I would like to have it for her.

Q That is for you to determine, whether you make an application. If you want to make an application of course we will make a record of it. Are you making any application for your wife? A I declare I don't hardly know how to answer that. I couldn't make a claim for her as an Indian because she is not. The only claim I can make for her is as my wife. And I don't know about that.

Q You will have to determine whether you want to make a claim for her or not. A I will have to say no, then.

Q Have you any children? A No, sir.

Q You are just making this application of your own behalf? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application? A No, sir.

Cyrus L. Fix----4.

Q Have you any written evidence you desire to offer the Commission for consideration in support of this application? A No, sir; only what has been produced here, or what should have been produced by my father.

Q There has been no evidence submitted or produced that the Commission would accept. ~~yes~~ If there has been any submitted heretofore, it has been returned for the non-appearance of the applicant.

BY THE COMMISSION: The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address .

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The undersigned, Wm. S. Wellsheer, being duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes he correctly reported ~~the~~ all proceedings in this application for identification as a Mississippi Choctaw, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*Wm. S. Wellsheer*  
Subscribed and sworn to before me this 27th day of November, 1900/

*Guy L. V. Emerson*  
Notary Public.

COPY.

M.C.R.1065

Muskogee, Indian Territory, June 20, 1902.

Cyrus L. Pix,

Lyndon, Kansas.

Dear Sir:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus H. Pix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus H. Pix, et al.,	M.C.R.1066,
Mary J. Wood, et al.,	M.C.R.4431,
Cyrus L. Pix,	M.C.R.1065,
Sarah Myrtle Bauman, et al.,	M.C.R.1095,
Delila Jane Bush, et al.,	M.C.R.4205,
William H. Bush,	M.C.R.4413,
Delila J. Weis,	M.C.R.4414,
John W. Bush,	M.C.R.4415,
Lucy Mitchell, et al.,	M.C.R.4204,
Isador Bush,	M.C.R.4416,
Nora Bavarre,	M.C.R.4417,
Jesse Pix, et al.,	M.C.R.1094,
William H. Fulton, et al.,	M.C.R.1098.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between



the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary hereunto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah F. Fix, James E. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Rayner Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarro, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Bertie Fix, William H. Fultz, Fern Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie E. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered



M C R 1068

COPY.

Muskogee, Indian Territory, November 18, 1902.

Cyrus L. Fix,

Lynden, Kansas.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

SIGNED

Tamm Dixby.  
Acting Chairman.

No. 1065

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Cyrus L. Dix*

Age *26.* Blood *1/16*

Post Office, *Lyndon, Kansas.*

Father: *Cyrus H. Dix - ✓*

Mother: *Mary A. Dix - dead*

Claims through *father.*

WIFE:

*Lusie A. Dix.*

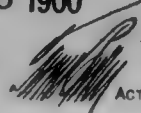
*(No claim for wife)*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**



ACTING CHAIRMAN.

L. Fix

REFUSED

DECISION RENDERED

JUN 10 1902

NOTICE OF DECISION, MAILED APPLICANT

JUN 20 1902

NOTICE OF DECISION FORWARDED

ATTORNEY FOR APPLICANTS

JUN 20 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

JUN 20 1902

RECORD FORWARDED DEPARTMENT

JUN 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

NOV 15 1902

REFER TO M. C. R. 1056

Choctaw MCR 1066

MCR 1066

Effie Wingo

See MCR 654

LS

*119/111, etc*  
**REFUSED**

DECISION RENDERED.

JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHITAW AND CHICKASAW NATIONS.

JUL 18 1902

RECORD FORWARDED DEPARTMENT.

JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHITAW  
AND CHICKASAW NATIONS.

OCT 8 1902

REFER TO M. C. R. 654

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 26th, 1900.

In the matter of the application of Effie Wingo for the identification of herself and her four minor children as Mississippi Choctaws.

The said Effie Wingo, being duly sworn, was examined by the Commission and testified as follows:

- Q What is your name? A Effie Wingo.
- Q What is your age? A Twenty-six.
- Q What is your post office address? A Shawnee, Oklahoma.
- Q Are you a resident of Oklahoma Territory? A We are staying there at Shawnee.
- Q You live there. A Yes, sir.
- Q How long have you lived there? A About a year.
- Q Where did you live before that? A We was another place in Oklahoma.
- Q How long have you lived in Oklahoma? A I guess about seven years.
- Q Where did you live before that? A In the Territory, Choctaw Nation.
- Q Whereabouts? A I couldn't tell you. It was different places.
- Q Whereabouts in the Choctaw Nation did you live? A We lived close to South Canadian a while, and then we lived down close to McAlester a while.
- Q How long were you in the Choctaw Nation? A Well, I was raised in the Choctaw Nation.
- Q You were born there? A Yes, sir.
- Q In the Choctaw Nation in the Indian Territory? A Yes, sir.
- Q Whereabouts were you born? A I was born in Texas.
- Q How long did you live in Texas? A I was about three years old, I think.
- Q Where did you go then? A To the Territory.
- Q You lived theretthen until you came to Oklahoma?
- A Yes sir.
- Q You are making applic tion as a Mississippi Choctaw, are you?
- A Yes, sir.
- Q How much Choctaw blood do you claim? A One-thirty-second.
- Q What is your father's name A Samuel Fisher.
- Q Is your father living? A Yes, sir; my father is living.
- Q What is your mother's name? A Mary Fisher.
- Q Is your mother living? A No, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Was your father's name on any of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Was he ever recognized by the Choctaw tribal authorities of the Choctaw Nation by any official act of their National Council?
- A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- A No, sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q Have you ever been admitted to citizenship or recognized by the tribal authorities of the Choctaw Nation by any act of their National Council as a citizen of that Nation? A No, sir.
- Q Did you, or did any one for you or in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.

Q Have you ever been admitted to citizenship, in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No, sir.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the United States authorities for either citizenship or for enrollment as a Choctaw? A No, sir.

Q This is your first application of any description? A Yes, sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830?

A Why, I have always been taught that.

Q That you were entitled to rights under in the Choctaw lands as beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q You are making your claim, then, as beneficiary under the provisions of that article of that treaty? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of that treaty of 1830? A No.

Q What is the name of your ancestor through whom you claim your right who was member of the Choctaw tribe of Indians in the year 1830, at the time of the treaty which was entered into between the United States and the Choctaws? A What was the name of my father? Furnish Fisher was my father's name.

Q Was he a Choctaw Indian and a resident of the State of Mississippi in the year 1830? A Yes, sir.

Q Have you any evidence of that fact? A Yes, -----I don't know

Q When did Furnish Fisher die? A Why when I was small, I think.

Q Where did he die? A In Missouri.

Q Was he ever a resident of the State of Missouri? A No, sir; he was not.

Q Which one of your ancestors was a resident of the State of Mississippi? A I don't know.

Q Did any of your ancestors ever signify to the United States Indian Agent their intention to remain and become citizens of the State of Mississippi within six months after the ratification of the treaty of 1830? A I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, sir.

Q State all you know about your ancestors residence in Mississippi, and recognition as members of the Choctaw Tribe of Indians. A I don't know.

Q Are you making any claim by reason of any other treaty stipulations between the United States and the Choctaw Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A William Wingo.

Q Are you making any claim for your husband? A No, sir.

Q Is he a white man? A Yes, sir.

Q He never made any claim to Indian citizenship by blood?

A No, sir.

Q Where did you marry him? A In the Choctaw Nation.

Q When? A In 1889.

Q Under the laws of the United States? A No, sir.

Q Under the Choctaw laws? A Yes, sir.

Q Have you a marriage license and certificate? A Yes, sir.

Effie Wingo et al----3.

Q What do you mean by Choctaw law? A Why I don't know.  
Q How much do he pay for the marriage license? A There wasn't any marriage license then  
Q How were you married? Who married you? A The preacher.  
Q He married you under a license, didn't he? you must have had a license from somebody to marry. The preacher wouldn't have married you without you had a license. A There wasn't no license at that time like there are now.  
Q Didn't your husband obtain a license from somebody to marry you? A Why, no, sir. I don't guess he did.  
Q How were you married? Did you and your husband just agree to get married and go to the minister and get married? A Yes, sir.  
Q Who was the minister that married you? A Bristo.  
Q Whereabouts? A Down close to South Canadian.  
Q Did he give you a certificate of marriage? A Yes, sir; here it is. (Handing paper)  
Q Who is H. N. Bristo? A I don't know. He is just a minister  
Q Where is he a minister? A Why, I don't know where he is at now.

Q Have you any children? A Four.  
Q What are the names of your children. A Mary is ten.  
Q The next one? A Oscar.  
Q How old is he? A Seven years old.  
Q The next one? A Dow.  
Q How old is he? A Four.  
Q The next one? A Birdie.  
Q How old? A Two years old.  
Q Are you the mother of these four children? A Yes, sir.  
Q Is William Wingo their father? A Yes, sir.  
Q Do these children live with you at your home? A Yes, sir.  
Q And you and your husband live together? A Yes, sir.  
Q The claim you make for your children is identical with your own? A Yes, sir.  
Q You claim their right though you? A Yes, sir.  
Q Have you any additional statement you desire to make in the matter of your application and the application you make for your minor children? A No, sir.  
Q Is there any written evidence you desire to offer in support of this application? A There is that application there. (exhibiting.)

BY THE COMMISSION: There is offered in evidence and filed and made a part of the record in this case the affidavit of Caroline Park.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future at your present post office address.

-----o-----

Wm. S. Wellshear, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this cause, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November 1900

*Wm S Wellshear*  
*Lucy L. Emerson*  
Notary Public.



COPY.

M.C.R. 1066.

Muskogee, Indian Territory, July 18, 1902.

Effie Wingo,

Shawnee, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Galip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Galip Fisher, et al.,	M.C.R. 654
Eliza Migginsbotham, et al.,	M.C.R. 1023
Jesse Fisher,	M.C.R. 656
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Ella Hamilton,	M.C.R. 659
Martha Tico, et al.,	M.C.R. 655
Laure Jowell, et al.,	M.C.R. 869
Ellen Gertrude Latham, et al.,	M.C.R. 870
George Tico, et al.,	M.C.R. 666
William Tico, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1035
Effie Wingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Dee Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alte Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Lillie Jewell, Lottie Jewell, Willard F. Jewell, Ellen Gertrude Latham, William Latham, Janie Latham, David Latham, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ole Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dow Wingo, Birdie Wingo, and Della Foster, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.

COPY. M.C.P. 1066.

Wiskoguc, Indian Territory, October 8, 1902.

Effie Wingo,

Shawnee, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Ghosts of the several persons included in the consolidated case of Salip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

(SIGNED)

*Tamie Dixie*

*Acting Chairman*

MCR 1066

COPY

Muskogee, Indian Territory, December 14, 1906.

Effie Wingo,

Shawnee, Oklahoma.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED

*Tams Bixby,*

Commissioner.

No. 1066

For Identification as a Mississippi Choctaw.

Date NOV 26 1900

Name Effie Wingo.

Age 26 Blood 1/32.

Post Office, Shawnee, Ok. Territory.

Father: Samuel Fisher - ✓

Mother: Mary Fisher - dead

Claims through father.

**HUSBAND:**

William Wingo.

(No claim for husband).

**Children:**

Mary Wingo 10.

Oscar " 7.

Nora " 4.

Birdie " 2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**

 ACTING CHAIRMAN.

Choctaw MCR 1067

Della Foster

See MCR 654

MCR 1067



**REFUSED**

DECISION RENDERED

JUL 18 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 18 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 18 1902

RECORD FORWARDED DEPARTMENT.

JUL 18 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 30 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT 8 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 8 1902

REFER TO M. C. R. 654

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. November 26th, 1900.

In the matter of the application of Della Foster for the identification of herself as a Mississippi Choctaw.

The said Della Foster, being duly sworn, was examined by the Commission and testified as follows:

- Q What is your name? A Della Foster.
- Q How old are you? A Nineteen.
- Q What is your post office address? A Lydia Oklahoma.
- Q Are you a resident of Oklahoma Territory? A Yes, sir.
- Q How long have you lived there? A About seven or eight years.
- Q Have you maintained a continuous residence there for that length of time? A Yes, sir.
- Q Where did you live prior to your residence in Oklahoma?
- A In the Choctaw Nation.
- Q How long? A All my life.
- Q You were born in the Choctaw Nation? A Yes, sir.
- Q And lived here until you removed to Oklahoma eight years ago?
- A Yes, sir.
- Q Where did you live in the Choctaw Nation? A I lived most everywhere. I don't know where. Down at South Canadian and at McAlester and down there.
- Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
- Q How much Choctaw blood do you claim? A One-thirty-second part.
- Q What is your father's name? A Samuel Fisher.
- Q Is your father living? A Yes, sir.
- Q What is your mother's name? A Mary Fisher.
- Q Is your mother living? A No, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother's father.
- Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A No, sir; not that I know of.
- Q Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of that nation? A No, sir.
- Q Did you, or did any one on your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under an act of Congress of June 10th, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No, sir.
- Q Have you prior to this time ever made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as Choctaws? A No, sir.
- Q This is your first application of any description? A Yes, sir.
- Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.



Della Foster ----2.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A I have just been taught that.

Q Are you making your application as a beneficiary under the 14th article of the treaty of 1830? A No, sir.

Q You are not! The only authority vested in this Commission to hear and determine the rights of applicants for identification as Mississippi Choctaws is contained in the 21st Section of an Act of Congress of June 28th, 1898, which provides: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September 27th, 1830, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior." If you do not claim as a beneficiary under that article of that treaty, the Commission is without authority to hear and consider your application. Do you make your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A I don't know anything about it.

Q Well, do you or do you now? A (No response)

Q You are making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Now, the only provision of law under which the Commission can hear or determine the rights of applicants for identification as Mississippi Choctaws is this act of congress of June 28th, 1898. Now, do you make your application or claim as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A No, sir.

Q What was the name of your ancestor who was a resident of the State of Mississippi, and who was a recognized member of the Choctaw tribe of Indians when the treaty was entered into between the United States and the Choctaw Indians in 1830?

A My grandfather's name was-----

Q (interrupting) I don't know whether it was your grandfather or not. The name of your ancestor who was a member of the Choctaw tribe of Indians in 1830.

A I know their names, but I get them mixed up.

Q What was the name of your ancestor? A I don't know his name.

Q Have you any evidence showing that any of your ancestors were recognized members of the tribe of Choctaw Indians in Mississippi in 1830? A No, sir.

Q Did any of your ancestors through whom you might claim this right for identification ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intentions to remain and become citizens of the United States within six months after the ratification of that treaty? A No, sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, sir.

Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw tribe of Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A John Foster.

Q Is he a white man? A Yes, sir.

Q He never made any claim for Choctaw Citizenship? A No, sir.

Q Are you claiming for him now? A No, sir.

Q When did you marry him? A In 1899.

Della Foster-----3.

Q Where did you marry him? At Tecumseh, Oklahoma.

Q You were married under an Oklahoma license? A Yes, sir.

Q Have you any children? A No, sir.

Q You are just making this application on your own behalf?

A Yes, sir.

Q Is there any additional statement you desire to make in support of your application? A No, sir.

Q Is there any written evidence you desire to file in support of your application? A No, sir.

BY THE COMMISSION: The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address.

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Wm. S. Wellhear, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in this application for identification as a Mississippi Choctaw, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November  
A. D. 1900.

*L. L. V. Emerton*  
Notary Public.

COPY.

M.C.R. 1067.

Muskogee, Indian Territory, July 1, 1902.

Della Foster,

Lydia, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 18th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Calip Fisher, et al., embracing the following applications for identification as Mississippi Choctaws:

Calip Fisher, et al.,	M.C.R. 664
Eliza Higginbotham, et al.,	M.C.R. 1023
Josee Fisher,	M.C.R. 666
Sarah Wilson, et al.,	M.C.R. 658
Thomas Fisher, et al.,	M.C.R. 657
Calvin Fisher, et al.,	M.C.R. 1034
William Fisher,	M.C.R. 665
Ella Hamilton,	M.C.R. 659
Martha Tice, et al.,	M.C.R. 668
Laura Jewell, et al.,	M.C.R. 669
Elen Gertrude Latham, et al.,	M.C.R. 870
George Tice, et al.,	M.C.R. 666
William Tice, et al.,	M.C.R. 667
Samuel Fisher, et al.,	M.C.R. 1035
Effie Wingo, et al.,	M.C.R. 1066
Della Foster,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calip Fisher, Clara Fisher, Eliza Higginbotham, Johnnie Higginbotham, Willie Higginbotham, Jesse Fisher, Sarah Wilson, Ethel Wilson, Lillian Wilson, Doc Wilson, Fay Wilson, Thomas Fisher, Emma Fisher, Bertha Fisher, Calip Fisher, Calvin Fisher, Eunice Alto Fisher, William Fisher, Ella Hamilton, Martha Tice, Charles Tice, Walter Tice, Jesse Tice, Martin Tice, Laura Jewell, William Jewell, Willie Jewell, Lottie Jewell, Inland Jewell, Ellen Gertrude Latham, William Latham, Jessie Latham, David Latham, George Tice, David Tice, William Tice, Oscar Tice, Samuel Fisher, Willie Fisher, Arthur Fisher, Grace Fisher, Ola Fisher, Jesse Fisher, Mary Fisher, Effie Wingo, Mary Wingo, Oscar Wingo, Dow Wingo, Birdie Wingo, and Della Peeter, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

W.C.B. 1067.

Muskogee, Indian Territory, October 8, 1902.

Della Roster,

Lydia, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Calip Fisher, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

(SIGNED).

John R. Roney,  
Acting Chairman.

MCR 1067

COPY

Muskogee, Indian Territory, December 14, 1906.

Della Foster,

Lydia, Oklahoma.

Dear Madam :--

You are hereby notified that the Secretary of the Interior of December 5, 1906, denied the petition filed under the Act of Congress approved April 26, 1906, by Calip Fisher, of Tishomingo, Indian Territory, for the reopening of the consolidated Mississippi Choctaw case of Calip Fisher, et al.

Respectfully,

SIGNED

*Tams Bixby.*  
Commissioner.

No. 1067

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Della Foster.*

Age *19* Blood *1/32*

Post Office *Lydia, Ok. Territory.*

Father: *Samuel Fisher -* ✓

Mother: *Mary Fisher - dead*

Claims through *father.*

HUSBAND:

*John Foster.*

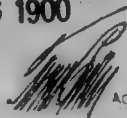
*(No claim for husband.)*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**



ACTING CHAIRMAN.

Choctaw MCR 1068

Caroline Taylor

MCR 1068



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 26th 1900.

In the matter of the application of Caroline Taylor for the identification of herself and her six minor children as Mississippi Choctaws.

The said Caroline Taylor being duly sworn, was examined by the Commission and testified as follows:

Q What is your name? A Caroline Taylor.

Q What is your age? A Thirty-five.

Q What is your post office address? A Cleburne, Texas.

Q Are you a resident of the State of Texas? A Yes, sir.

Q How long have you resided there? A Six years.

Q You have maintained a continuous residence there in the State of Texas for the past six years, have you? A I have been in Texas all my life, if that is what you mean? A

Q You never lived anywhere else? A No, sir.

Q How much Choctaw blood do you claim? A One-eighth.

Q What is your father's name? A Samuel T. Hartley

Q Is your father living? A Yes, sir.

Q What is your mother's name? A Margaret Ann Hartley.

Q Is your mother living? A No, sir.

Q Through which one of your parents do you claim your Choctaw blood? A My father.

Q What was your father's name? A Samuel T. Hartley.

Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A I suppose so I don't know.

Q Why do you suppose so? A Because he was born as a Mississippi Choctaw and lived that way.

Q Did he ever live in the Indian Territory? A Not that I know of.

Q Was his name ever on any of the Choctaw tribal rolls in the Indian Territory? A I don't know.

Q Have you any reason to believe that it was? A Yes, sir; I believe it ought to be. I don't know.

Q It ought to be, I guess; I have no doubt about that. A Well, I suppose it is. There is where he was born.

Q We are talking about the Choctaw Nation in the Indian Territory. Did your father ever live in the Choctaw Nation in the Indian Territory? A Not that I remember of.

Q Was he ever enrolled as a Choctaw Indian in the Indian Territory? A I can't say. I guess so.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A I don't know about that.

Q Did the Choctaw National Council at Muskogee ever recognize you as a citizen of the Choctaw Nation? A I can't say.

Q You would know if they had. A I reckon not.

Q Have you any act of the Council admitting you to citizenship? A I guess so.

Q Well, where is it? A I can't swear that.

Q Have you ever been recognized as a Choctaw citizen? A No, sir; I guess not.

Q Did you, or did any one for you or in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.

Caroline Taylor---2.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on an appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No, sir; I reckon not.

Q Have you ever, prior to this time, made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.

Q This is your first application of any description? A Yes, sir.

Q You have never been to the Choctaw tribal authorities or to this Commission or to the United States Courts for either citizenship or for enrollment as a Choctaw? A No, sir.

Q You are now making your application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the treaty of 1830, fourteenth article? A Well, because my parents was born in Mississippi Choctaw and they lived there and was there, is all the reason I can tell. They claimed they were Choctaws.

Q Are you making your application or claim as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A Yes, sir. who

Q What was the name of your ancestor or ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830, at the time the treaty was entered into between the United States and the Choctaw Indians? A George W. Hartley.

Q Have you any evidence showing that ~~him~~ he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A All I know is under my father. That is what I have been taught. I have known they have been there. That is the way I have been raised, that I was a Choctaw Indian.

Q Have you any evidence showing that George W. Hartley was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No, sir.

Q What relation is George W. Hartley to you? A He is my grandfather.

Q Did George W. Hartley, if a recognized member of the Choctaw tribe of Indians in Mississippi, signify to the United States Indian agent of the Choctaw Indians his intention to remain and become a citizen of the State of Mississippi? A I don't know.

Q Where did George Hartley ~~and~~ die? A I don't know.

Q Did he ever leave Mississippi? A I don't know that.

Q Do you know anything about his residence in Mississippi? You don't know anything about his residence? A No, sir.

Q When did your father come to Texas? A I can't answer that. I don't know.

Q Where did he come to Texas from? A From there, I suppose. I don't know. I guess from Mississippi.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A ~~James~~ Jesse M. Taylor.

Q Are you making any claim for your husband? A No, I reckon not. No, sir.

Caroline Taylor---3.

Q Is your husband a white man? A Yes, sir.  
Q He never made any claim to Choctaw citizenship by blood? A No, sir.  
Q Has he ever made any claim to Indian citizenship? A No, sir.  
Q Have you any children? A I have six.  
Q What are the names and ages of your children? A My oldest is Maudie Viola Taylor.  
Q How old is she? A Eighteen.  
Q Go ahead now. A Claudie R. Taylor.  
Q Go ahead. Sixteen years old.  
Q Go ahead. A Mattie A. Taylor. She is thirteen years old.  
Jesse M. Taylor, eleven years old. Earline Taylor, five years old.  
Q All right, go ahead. A The other is a baby. I haven't named him yet. He is two months old, about.  
Q A boy is it? A Yes, sir.  
Q You have not named it? A No, sir.  
Q Maudie is a girl? A Yes, sir.  
Q Claudie is a girl? A Yes, sir.  
Q Mattie is a girl? A Yes, sir.  
Q Jesse? A He is a boy.  
Q And Earline. A That is a girl, yes, sir.  
Q These children all live with you at your home? A Yes, sir.

Q Are you the mother of these children? A Yes, sir.  
Q Is Jesse Taylor the father of all six of them? A Yes, sir.  
Q Are you and your husband living together? A Yes, sir.  
Q Their residence has always been the same as ~~that of your~~ yours, has it? A Yes, sir.  
Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your children? A No, sir.  
Q Is there any written evidence you desire to offer the Commission?

Mr. L. P. Hudson (counsel for applicant) Here attorney for applicant asks leave to file written evidence in support of this application made by Mrs. Taylor within fifteen days from this date.

BY THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application provided the same is offered for filing within fifteen days from this date.

Examination----- by Mr. Hudson.

Q You are the daughter of Samuel D. Hartley who appeared before the Commission last week are you? A Yes, sir.  
Q You never resided in Mississippi, and the only knowledge you have as to your father and mother's residence there is what you have heard him say? A Yes, sir.  
Q You are depending upon him for the evidence in this case, are you? A Yes, sir.  
Q You say you live in Texas? A Yes, sir.  
Q Is it your intention to remove to the Indian Territory in the near future for the purpose of making it your home? A Yes, sir.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your six minor children for identification as Mississippi Choctaws will be mailed to you in the near future at your present post office address.

-----  
Wm. S. Wellsher, being duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes he cor-

Caroline Tayler et al-----4.

reelily reported in full all proceedings in this application for  
identification as Mississippi Choctaws, and that the foregoing is  
a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November  
1900.

*Guy L. V. Emerson*  
Notary Public.

Muskogee, Indian Territory, April 8, 1901.

W. W. J. Phillips,

Pasadena, Texas,

Dear Sir:

The Commission is in receipt of your letter of March 30, in which you inquire how to present your wife's claim for identification as a Mississippi Choctaw, and state that she is a daughter of S. T. Hartley, and a sister of Mrs. C. T. Taylor, Mrs. B. V. Shuts, Mrs. S. G. Gagle, Miss Annie Hartley and Mr. Sammie Hartley, who have applied for identification as Mississippi Choctaws. You also ask whether you could go before a Justice of the Peace and make application.

In reply to your letter you are advised that on November 21, 1900, Samuel T. Hartley appeared before the Commission at Muskogee and applied for the identification of himself and his daughter Annie Hartley and his son Samuel M. Hartley as Mississippi Choctaws; on the same day Robert E. Hartley applied for the identification of himself and two minor children; Virginia Shultz applied for the identification of herself and four minor children; Sophronia C. Gagle applied for the identification of herself and two minor children, as Mississippi Choctaws; and on November 28, 1900, Caroline Taylor, a sister of the above named applicants, and daughter of Samuel T. Hartley, appeared before the Commission at Muskogee and applied for the identification of herself and six children as Mississippi Choctaws. No action has

M.J.P. 2

been taken in any of these cases.

You are advised that the rules of the Commission require that each applicant for identification as a Mississippi Choctaw should appear in person before the Commission for examination. If your wife desires to present her application for identification as a Mississippi Choctaw she should appear before the Commission at its office in Atoka, Indian Territory, whenever she desires to do so, and a record will then be made of her case.

Yours truly,

Acting Chairman.

MC 1080  
MC 1051  
MC 1084  
MC 1098  
MC 1086



COPY.

M.C.R. 1060

Muskogee, Indian Territory, July 11, 1902.

Caroline Taylor,  
Cleburne, Texas.

Dear Madam:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel T. Hartley, et al.,	M.C.R. 1060
Robert H. Hartley, et al.,	M.C.R. 1061
Virginia Shultz, et al.,	M.C.R. 1062
Sophronia C. Cagle, et al.,	M.C.R. 1063
Caroline Taylor, et al.,	M.C.R. 1068
Maggie J. Van Every, et al.,	M.C.R. 1064
Samuel W. Denyer, et al.,	M.C.R. 1065
Eliza C. Reeves, et al.,	M.C.R. 1069

These applications were made under the provision of the act of Congress of June 26, 1900 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Annie Hartley, Samuel H. Hartley, Eddie R. Hartley, Robert H. Hartley, Bessie Lenner Hartley, Youler May Hartley, Viella Hartley, Virginia Shults, Birdie Shults, Callie Shults, Julia Shults, Richard Shults, Saphronia C. Cagle, Hattie Cagle, Dossie Cagle, Caroline Taylor, Maudie Viola Taylor, Claudie R. Taylor, Mattie A. Taylor, Jesse M. Taylor, Earline Taylor, \_\_\_\_\_ Taylor (male infant unnamed), Maggie J. Van Every, Minnie E. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel V. Denyer, Alfred F. Denyer, Arthur L. Denyer, Addie R. Denyer, Zenobia C. Denyer, Lee C. Denyer, Samuel B. Denyer, William George Denyer, Melvin E. Denyer, Eliza C. Reeves, Nora Alice Reeves, Ada B. Reeves, and James Allen Reeves as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tam. Dixie*

Registered.

Acting Chairman.



M. C. R. 1088

COPY.

Muskogee, Indian Territory, November 7, 1902.

Caroline Taylor,  
Cleburne, Texas.

Dear Madam:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel T. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

(SIGNED)

*Tamc Birby.*  
Acting Chairman.

No. **1068**

**For Identification as a Mississippi Choctaw.**

Date **NOV 26 1900**

Name *Caroline Taylor.*

Age *35* Blood *1/8*

Post Office, *Cleburne, Texas.*

Father: *Samuel D. Hartley - ✓*

Mother: *Margaret A. Hartley - dead*

Claims through *father.*

**HUSBAND:**

*Jesse M. Taylor.*  
*(No claim for husband).*

**Children:**

	<i>Maudie V. Taylor</i>	<i>18.</i>
	<i>Claudie R. " "</i>	<i>16.</i>
	<i>Mattie A. " "</i>	<i>13.</i>
<i>M.</i>	<i>Jesse M. " "</i>	<i>11.</i>
	<i>Carline " "</i>	<i>5.</i>
<i>M.</i>	<i>(Infant child) " "</i>	<i>2 mo.</i>

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

**NOV 26 1900**

ACTING CHIEF

*Stenographer - Wellshear.*

REFER TO M. C. R. 1050

NOV 7 1902  
NOTICE OF DEPARTMENTAL ACTION  
FORWARD ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

NOV 7 1902  
NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

OCT 23 1902  
ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 11 1902  
ACTION FORWARDED DEPARTMENT

OCT 11 1902  
NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

OCT 11 1902  
OFFICE OF DECISION MAILED APPLICANT

OCT 11 1902  
DECISION RENDERED

REFUSED

RENDERED.

JUL 11 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CRICKAW NATIONS.

JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 23 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FOR ATTORNEYS FOR CHOCTAW  
AND CRICKAW NATIONS.

NOV 7 1902

REFER TO M. C. R. 1250.

Choctaw MCR 1069

Eliza C. Reeves

MCR 1069

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 26th, 1900.

In the matter of the application of Eliza C. Reeves for the identification of herself and her three minor children as Mississippi Choctaws.

The said Eliza C. Reeves, being duly sworn, was examined by the Commission, and testified as follows:

- Q What is your name? A Eliza C. Reeves.
- Q What is your age? A Twenty-six.
- Q What is your post office address? A Lytton Springs, Caldwell County, Texas.
- Q Are you a resident of the State of Texas? A Yes, sir.
- Q How long have you lived in Texas? A I was born and raised in Texas.
- Q You never maintained a residence any where else? A No, sir.
- Q How much Choctaw blood do you claim? A One eighth.
- Q What is your father's name? A George Foster.
- Q Is your father living? A Yes, sir.
- Q What is your mother's name? A Sarah Ann Foster.
- Q Is she living? A No, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q Was your mother's name ever on any roll of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Was your mother ever recognized as a citizen of the Choctaw Nation by the tribal authorities of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National council as a citizen of the Choctaw Nation? A No, sir; I never was.
- Q Did you, or did any one in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No, sir.
- Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.
- Q This is your first application of any description? A Yes, sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.
- Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Well, I was taught it on my mother's side.
- Q You were taught you were entitled to benefits under the 14th article of the treaty of 1830? A Yes, sir.
- Q You are making your claim solely under the provisions of the treaty of 1830? A Yes, sir.
- Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A No, sir.

Q What was the name of your ancestor or ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A George W. Hartley.

Q What relation was he to you? A My grandfather.

Q You are a direct lineal descendent of his? A Yes, sir.

Q Have you any evidence of the fact that he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No, sir.

Q What do you know about George W. Hartley's residence in Mississippi and recognition as a Choctaw Indian? A I don't know anything.

Q Do you know when he left Mississippi? A No, sir.

Q Do you know whether he died there? A Yes, sir; I believe he did. I don't know for certain.

Q When did your mother leave Mississippi? A She left when she was a child.

Q How old would she be if she were living now? A She was sixty-six when she died. She has been dead two years.

Q Did she come west with the Choctaw Indians when they removed from Mississippi? A Her mother and her came to this country.

Q To what country? A To Texas at the time, I think.

Q Did any of your ancestors signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the State of Mississippi within six months after the ratification of the treaty of 1830? A No, I don't know anything about that.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, not that I know of. I don't know.

Q Do you make any claim by reason of any other treaty stipulations entered into between the United States and the Choctaw tribe of Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A William T. Reeves.

Q Are you making any claim for him? A No, sir.

Q Is he a white man? A Yes, sir.

Q He has never made a claim to Indian citizenship by blood?

A No, sir.

Q Where did you marry him? A Buda Texas.

Q When? A November 17th, 1892.

Q Have you any children? A Three.

Q Do you want to make application for your children? A Yes, sir.

Q What are the names and ages of your children? A Nora Alice.

Q How old is she? A Six years old.

Q The next one? A Ada B. Reeves.

Q How old is Ada? A She is five. She has turned five years now.

Q What is the next one? A James Allen Reeves.

Q How old is James Lane Allen? A Three.

Q Is that all? A Yes, sir.

Q Are you the mother of these children? A Yes, sir.

Q Is William T. Reeves their father? A Yes, sir.

Q Are you living with your husband? A Yes, sir.

Q Are the children all living with you? A Yes, sir.

Q Is there any additional statement you desire to make in support of this application? A No, sir.

Q Is there any written evidence you desire to offer in support of your application or the application you make on behalf of your



three children?

MR. L. P. HUDSON (Counselor applicant.) The attorney for applicant here asks leave to file written evidence in support of this claim within fifteen days from this date.

BY THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application, provided the same is offered for filing with the Commission within fifteen days from this date.

Examination-----By Mr. L. P. Hudson,

Q You say you live in Texas. Is it your intention to remove to the Indian Territory in the near future for the purpose of making your home here? A Yes, sir.

Q You are a grand daughter of George W. Hartley, are you? A Yes, sir.

Q And George W. Hartley was the father of your mother and also of Samuel D. Hartley? A Yes, sir; they were brother and sister.

Q You are expecting to use the evidence in the case of Samuel D. Hartley in your case, are you? A Yes, sir.

Q And you have relied upon Samuel D. Hartley looking up your matter for you? A Yes, sir.

Q You know nothing of this matter except what you have been told? A No, sir; that is all.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post office address.

-----o-----

The undersigned, Wm. S. Wellshear, being duly sworn, upon his oath states that he reported in full all proceedings had in this application for identification, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November, 1900.

*Wm. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.



Muskogee, Indian Territory, March 20, 1901.

Messrs Hudson & Arnold,

Armore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 11, inclosing papers to be filed as follows:

Marriage license and certificate between Mr. H. G. Nickels and Miss J. B. Cummings, to be filed in support of the application of Ida Blanch Nickels et al. for identification as Mississippi Choctaws.

Marriage license and certificate between J. A. Rasley and Ella E. Adams, to be filed with the claim of Ella E. Rasley for identification as a Mississippi Choctaw.

The licenses and certificates have been duly filed with the other records in these cases.

There was also inclosed in your letter certified copy of marriage license and certificate between Mr. William Reeves and Miss Clara C. Foster, which you state you desire to have filed with the claim of Clara C. Reeves. You are advised that our records do not show that any Clara E. Reeves ever appeared as an applicant for identification as a Mississippi Choctaw. The only Reeves on our record is Eliza C. Reeves, whose father's name was George Foster, and her mother Sarah A. Foster, her husband's name is William T. Reeves, and she makes application for herself and three minor children, Nora A.

Hudson & Arnold . 2

Reeves, Ada B. Reeves and James A. Reeves. If this is the person who appears in the marriage license and certificate as Clara G. Foster, you will please explain this discrepancy in names. The marriage license is herewith returned to you. Upon receipt of more definite information in regard to this matter, the same will receive proper consideration.

Yours truly,

Acting Chairman.

MC 1069  
MC 991  
MC 227

COPY.

M.C.R. 1060

Muskogee, Indian Territory, July 11, 1906.

Eliza C. Reeves,

Lytton Springs, Texas.

Dear Madam:

You are hereby advised that on the 11th day of July, 1906, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel T. Hartley, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel T. Hartley, et al.,	M.C.R. 1060
Robert H. Hartley, et al.,	M.C.R. 1061
Virginia Shultz, et al.,	M.C.R. 1062
Sophronia C. Gable, et al.,	M.C.R. 1063
Caroline Taylor, et al.,	M.C.R. 1064
Maggie J. Van Every, et al.,	M.C.R. 1065
Samuel W. Dwyer, et al.,	M.C.R. 1066
Eliza C. Reeves, et al.,	M.C.R. 1067

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end give administer oaths, examine witnesses and perform all other acts necessary thereto; and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel T. Hartley, Annie Hartley, Samuel H. Hartley, Eddie R. Hartley, Robert H. Hartley, Dossie Leamer Hartley, Youler May Hartley, Viola Hartley, Virginia Shultz, Birdie Shultz, Callie Shultz, Julia Shultz, Richard Shultz, Sophronia C. Cagle, Hattie Cagle, Dossie Cagle, Caroline Taylor, Mandie Viola Taylor, Claude R. Taylor, Mattie A. Taylor, Jesse M. Taylor, Darline Taylor, \_\_\_\_\_ Taylor (male infant unnamed), Maggie J. Van Every, Minnie R. Van Every, Samuel Van Every, Willie Van Every, Eva Van Every, Myrtle Van Every, Samuel W. Denyer, Alfred F. Denyer, Arthur L. Denyer, Addie R. Denyer, Renobia C. Denyer, Lee C. Denyer, Samuel D. Denyer, William George Denyer, Melvin E. Denyer, Eliza C. Reeves, Nora Alice Reeves, Ada B. Reeves, and James Allen Reeves as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article, fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James Dixby*

Registered,

Acting Chairman.

M. C. R. 1069

COPY.

Muskogee, Indian Territory, November 7, 1902.

Elish C. Reeves,  
Lytton Springs, Texas.

Dear Sir:

You are hereby advised that on the 25th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel T. Hartley, et al., of which decision you were advised by registered mail on the 11th day of July, 1902.

Respectfully,

(SIGNED)

Tame Dixie.  
Acting Chairman.



REFUSED

DECISION RENDERED.

JUL 11 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 11 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 11 1902

RECORD FORWARDED DEPARTMENT.

JUL 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 7 1902

REFER TO M. C. R. 1050

1069

For Identification as a Mississippi Choctaw.

Date NOV 26 1900

Name Eliza C. Reeves.

Age 26 Blood 1/8

Post Office Lytton Springs, Texas.

Father: George Foster - ✓

Mother: Sarah A. Foster - dead

Claims through mother.

HUSBAND:

William T. Reeves.

(No claim for husband).

Children:

Nora A. Reeves. 6.

Ada B. " " 5.

James A. " " 3.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 26 1900

ACTING CHAIRMAN.

Stenographer:

Wellshear.

Choctaw MCR 1070

Alice Goodwin

MCR 1070



*Wice Goodwin et al.*

REFUSED

DECISION RENDERED.

JUL 26 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 26 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 26 1902

RECORD FORWARDED DEPARTMENT.

JUL 26 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

UL 29 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 7 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 7 1902

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Alice Goodwin, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1070.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Alice Goodwin, et al.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. November 26th 1900.

In the matter of the application of Alice Goodwin for the identification of herself and two minor children as Mississippi Choctaws.

The said Alice Goodwin, being duly sworn, was examined by the Commission, and testified as follows:

Q What is your name? A Alice Goodwin.

Q What is your age? A Twenty-one.

Q What is your post office address? A Well, my post office now is Wynnewood, Indian Territory.

Q Are you a resident of the Indian Territory? A Yes, sir.

Q How long have you resided here? A I have been here two weeks.

Q Is that the only residence you have maintained in the Indian Territory? A Yes, sir.

Q Where did you live before that? A In Texas.

Q How long did you live in Texas? A I was borned and raised in Texas.

Q You were born in Texas and lived there all your life until you moved two weeks ago to the Indian Territory? A Yes, sir.

Q Are you claiming as a Mississippi Choctaw? A Yes, sir.

Q How much Choctaw blood do you claim? A One-eighth.

Q What is your father's name? A Joseph Allisen.

Q Is your father living? A No, sir; he is dead.

Q What is your mother's name? A Allisen.

Q What is her first name? A Martha Jane Allisen.

Q Is your mother living? A No, sir. She was taken sick in August and died, and that is the reason I didn't attend here before the Commission.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A My mother has got some connection on-----

Q (interrupting) Is your mother's name on any of the tribal rolls of the Choctaw Nation? A No, sir; I don't think they are. Not that I know of.

Q Was your mother ever recognized during her lifetime by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No, sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not before this.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A No, sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A Yes, sir; my husband came up here and did.

Q Made application to this Commission for citizenship under the Act of Congress of June 10th, 1896? What is your husband? A Well, I couldn't tell you. I think he is Irish, I don't know what other,--mostly Irish.

Q What is his name? A Theodore Goodwin.

Q Now, what do you mean by his making application in 1896? A Well, he came up here and he wanted to put me on the roll and he found out he couldn't, and my mother was too unwell to leave. We

Alice Goodwin et al---2.

couldn't come before, and she died. He found out he couldn't put me on the roll.

Q How long have you been married to your husband? A Four years. He made application up here was two years ago this Summer.

Q That wasn't in 1896, that was in 1898. A No, sir; of course it wasn't.

Q He made application for you as what? A He wanted to put me on the roll.

Q Well, as what, a Choctaw? A Yes, sir; as a Mississippi Choctaw.

BY THE COMMISSION: It does not appear from any records of the Commission that any application has been made by either Theodore Goodwin or Alice Goodwin for either citizenship under the Act of Congress of June 10th, 1896, or for enrollment as a citizen of the Choctaw Nation, or for identification as a Mississippi Choctaw, nor does it appear from the records that she or either of them have been admitted to citizenship by the judgment of the United States Courts in the Indian Territory.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830?

A My parents raised me to know that I was. My mother claimed it and Joel Johnson was my great grandfather.

Q Are you making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q What was the name of your ancestor who was a resident of the State of Mississippi and a recognized member of the Choctaw tribe of Indians in the year 1830? A My grandfather, Joel Johnson.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No, sir.

Q Do you know anything about his residence in Mississippi and recognition as a Choctaw Indian? A No, sir.

Q Do you know when he left Mississippi? A He died there.

Q When did he die? A I don't know, sir, when he died.

Q Have you any evidence showing that Joel Johnson was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No, sir.

Q Do you know whether he signified to the United States Indian Agent within six months after the ratification of the treaty of 1830 his intention to remain and become a citizen of the United States?

A No, sir; I don't know.

Q Did he remove from Mississippi to the Choctaw Nation in the Indian Territory when the other Choctaw Indians removed here? A No sir.

Q Did Joel Johnson, or any of your other ancestors through whom you might claim this right to identification, ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A (No response)

Q State all you know about your ancestors residence in Mississippi, and their recognition as Choctaw Indians.

A I had two great uncles to come when they drove the Indians from Mississippi here. They are living here now, somewhere, I reckon in the Indian Territory. All my people is still in Mississippi, all except two of them that came to the Nation.

Q Your two uncles that came from Mississippi to the Choctaw Nation in the Indian Territory, what are their names? A One of

Alice Goodwin et al--3.

them is John Johnson.

Q What is the other one's name? A I don't know the other one's name.

Q Where do they live? A I couldn't tell you. They came to the Nation somewhere.

Q Did you ever see them? A No, sir.

Q Do you know anything about them? A No, sir.

Q Do you know whether they are Choctaw Indians? A Yes, sir; they are Joel Johnson's sons.

Q Are they enrolled Choctaw Indians by the Choctaw authorities? A Yes, sir; they are.

Q How do you know? A My mother came up here and seen, my husband did last summer--we come up here last summer and we looked on the roll at Durant. There was a roll there.

Q Who had the roll at Durant? A There was a lawyer there said he had a roll there.

Q What was his name? A I couldn't tell you--and he looked on it. He said he was enrolling and wanted us to employ him to get us right. I couldn't tell you, though what his name was.

Q Are you making any claim under any other treaty stipulations between the United States and Choctaw Indians besides the 14th article of the treaty of 1830? A No, sir.

Q Theodore Goodwin is your husband? A Yes, sir.

Q You are not making any claim for him? A No, sir.

Q He is a white man? A Yes, sir.

Q Have you any children? A Two.

Q What are their names and ages? A My eldest one is named C. E. Goodwin.

Q What is the C for? A Nothing, just the initials is all. he has got.

Q No name at all? A No, sir; just sign his name C. E.

Q How old is he? A He was three years old the 6th of September.

Q What is the name of the next one? A That is one named Lettie, her name is Lettie.

Q How old is Lettie? A She is nineteen months old.

Q Are these all the children you have? A Yes, sir.

Q You are the mother of both of them? A Yes, sir.

Q Theodore Goodwin is their father? A Yes, sir.

Q You and your husband are living together? A Yes, sir.

Q These children have always lived with you? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application or the application you desire to make on behalf of your children? A No, sir.

Q Is there any written evidence you desire to offer the Commission in support of your application here? A

Mr. L. P. Hudson (Counsel for applicant.) Attorney for applicant asks leave to file written evidence in support of this claim within fifteen days of this date.

BY THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application provided the same is offered for filing with the Commission within fifteen days hereof.

MR. L. P. HUDSON (Counsel for applicant) Mrs. Goodwin, you have removed to the Indian Territory with the intention to remain here and make it your home? A Yes, sir.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your two minor children as Mississippi Choctaws will be mailed to you in writing in the near future at your present post office address.

-----  
Wm. B. Wellhear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application, and that the foregoing is a correct, full and complete transcript of his



stenographic notes thereof.

*M<sup>rs</sup> S. McShear*

Subscribed and sworn to before this 27th day of November 1900.

*Guy L. V. Emerson*  
Notary Public.

*J. F. M.*  
*C. S. W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Goodwin, et al.,  
for identification as Mississippi Choctaws, M.O.R. 1070.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Alice Goodwin for herself and her two minor children, C. E., and Lettie Goodwin, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Joel Johnson, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

(2)

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joel Johnson, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Goodwin, C. E. Goodwin and Lottie Goodwin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application



(3)

for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
ACTING CHAIRMAN.

  
Commissioners.

Muskegee, Indian Territory,

JUL 26 1902

COPY.

M C B 1070

Maskogee, Indian Territory, July 26, 1902.

Messrs Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice Goodwin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Goodwin, C. E. Goodwin and Lattie Goodwin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1850, and that the application for their identification as such should be refused, and it is so ordered".

H. M. & C. S.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

COP

M C R 1070

Muskogee, Indian Territory, July 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Alice Goodwin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26th, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED:

*T. B. Needles,*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs,

1 enclosure.

COPY.

Muskagee, Indian Territory, July 26, 1902.

Alice Goodwin,

Muskagee, Indian Territory,

*Received Kiser J. T. Oct. 3*

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice Goodwin, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Goodwin, C. E. Goodwin and Lottie Goodwin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered".

Alice Goodwin-2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior. You will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. D. Needles.*

Commissioner in Charge.

Registered.



Miss. Choctaw R1070.

Muskogee, Indian Territory, October 3, 1902.

A. G. Goodwin,

Kiser, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 29, asking if any action has been taken in the matter of your application for identification as a Mississippi Choctaw, and if you have been notified at Wynnewood, as you have received no notice, of any action of the Commission.

In reply to your letter you are advised that on July 26, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and on the same date you were notified, at Wynnewood, Indian Territory, by registered mail, of this decision, and of the forwarding of the record in the case to the Secretary of the Interior. The letter notifying you of this decision of the Commission has been remailed to you at Kiser, Indian Territory.

Respectfully,

Acting Chairman.

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Land  
45,076-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, October 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the Mississippi Choctaw case of Alice Goodwin, et al., in which the applicant asks for the identification of herself and two minor children as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

On July 26, 1902, the Commission refused to identify the applicants on the ground that the evidence was insufficient to warrant such action on its part, and an examination of the record evidence by the office shows that the applicants failed to establish by their own testimony or the affidavits of several parties attached thereto, that they are entitled to be so identified on the ground that any of their ancestors ever received a patent for land by reason of having complied with the provisions of article 14 of the treaty of 1830 or ever complied or attempted to comply therewith.

The record evidence does show that none of the applicants are Choctaw Indians of the full blood. The applicants claim that they are the descendants of one Joel Johnson who was a three-fourths



Mississippi Choctaw Indian; that said Jeel Johnson was the father of Elizabeth Johnson who married one John Skinner; that they had a daughter, Martha Jane, who married one Allison and that this principal applicant, Alice Gustin, is the offspring of said marriage.

There is no office record showing that said Jeel Johnson as such ancestor ever received a patent for land under the provisions of article 14 of the treaty of 1830 or ever complied or attempted to comply with the provisions thereof.

The office therefore concludes that the decision of the commission herein is correct and recommends that the same be approved and affirmed by the Department.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

(W.C.B.)

D.C. 20574

COPY

HAF.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

ITD. 6406-1902.

October 29, 1902.

SIR,

Commission to the Five Civilized Tribes,  
Muskegee, I.T.

Gentlemen:

July 26, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Alice Goodwin and her minor children, C.E. and Lettie Goodwin.

The applicants claim to be descendants of one Jeel Johnson, alleged to have been a three-quarters blood Choctaw Indian, residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Jeel Johnson or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 26, 1902.

Forwarding the papers October 16, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

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The Department has carefully considered the record and hereby affirms your decision.

Respectfully,

(Signed)

E.A. Hitchcock.

Secretary.

GVE.

1 inclosure.

COPY.

M.C.R.1070.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Gernish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Alice Goodwin, et al., of which decision you were duly advised by mail on the 26th day of July, 1902.

Respectfully,

(SIGNED).

*Tamo Dixby.*  
Acting Chairman.

M.C.R. 1070

COPY.

Muskogee, Indian Territory, November 7, 1902.

Alice Goodwin,

Kiser, Indian Territory.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Alice Goodwin, et al., of which decision you were duly advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED).

*Lamar Dixon*  
Acting Chairman.

M.D.V. 1074

Muskogee, Indian Territory, December 4, 1902.

A.S. Goodwin,

Pauls Valley, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit, and the affidavit of the attending physician, to the birth of your infant child, L.Q. Goodwin, born August 4, 1902.

The same are herewith returned to you, for the reason that on October 29, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You were duly notified of such departmental action on November 7, 1902.

Respectfully,

Acting Chairman.

Enc B I 90.



M.C.R. 1070.

Muskogee, Indian Territory, December 4, 1902.

A.S. Goodwin,

Pauls Valley, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask if you will have to appear before the Commission again to have your case reopened; that you have a witness whose testimony you want taken in support of your claim.

In reply, you are informed that it does not appear from the records of the Commission that you are an applicant for identification as a Mississippi Choctaw. The records of the Commission do show, however, that Alice Goodwin, age 31 years, present residence, Kiser, Indian Territory, wife of Theodore Goodwin, is an applicant for the identification of herself and two minor children as Mississippi Choctaws.

If you are the identical person named in the application above referred to, you are informed that the Commission, on July 26, 1902, rendered its decision refusing said application; and on the same date the principal applicant therein was duly



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notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

On October 29, 1902, the Secretary of the Interior approved the decision of the Commission, and on November 7, 1902, the applicant was duly notified of such departmental action.

The Commission considers this case closed.

Respectfully,

Acting Chairman.

M.C.R. 1070

Muskogee, Indian Territory, December 12, 1902.

E. J. Bates,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the petition of A. E. Goodwin, praying for the reopening of the Mississippi Choctaw case of Alice Goodwin, et al.

You are informed that the record in this case was transmitted to the Department on July 26, 1902, and the Department, on October 29, 1902, approved the decision of the Commission refusing the application of Alice Goodwin, et al., for identification as Mississippi Choctaws, and on November 7, 1902, the applicants in this case were duly notified of such Departmental action. The record in the case is now with the Department.

The petition filed by you this date has been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 12, 1902,

The Honorable,

The Secretary of the Interior,

Sir:

In the matter of the application for identification as Mississippi Cheateas of Alice Goodwin, et al., the record therein was, on July 23, 1902, together with the decision of the Commission refusing the right of the applicants to be identified as Mississippi Cheateas, transmitted to the Department.

On October 29, 1902, the Department approved the decision of the Commission, and on November 7, 1902, the applicants were duly notified of such Departmental action. The record in the case is with the Department.

On this date there was filed with the Commission a petition of A. S. Goodwin, praying for the reopening of this case for the purpose of the introduction of additional evidence to prove the attempted compliance on the part of the ancestors of claimant's with the provisions of the fourteenth article of the treaty of 1830.

It appears that A. S. Goodwin and Alice Goodwin are identical persons.

Said petition is herewith transmitted for the considera-

Secretary Interior - R.

tion of the Department.

Respectfully,

Acting Chairman.

Enc.  
R.M.N. 100.



M. C. R. 1090

Muskogee, Indian Territory, January 22, 1903.

C. H. Thomason,  
Attorney-at-Law,  
Paula Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., in which you ask to be advised if the Mississippi Choctaw case of Alice or A. S. Goodwin has been re-opened.

In reply you are informed that the Commission is not in receipt of any Departmental instructions granting a re-hearing in this case.

respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 14, 1903.

Alice Goodwin,

Pauls Valley, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Secretary of the Interior refusing a rehearing in the Mississippi Choctaw case of Alice Goodwin, et al., under the petition submitted by you to this Commission on December 12, 1902.

Respectfully,

Chairman.

Washoe, Indian Territory, July 18, 1903.

Pruett & Carr,

Attorneys at Law,

Washoe, Indian Territory.

Gentlemen:

In compliance with a request of Alice Goodwin, dated July 8, 1903, there is herewith enclosed you a copy of the decision of the Commission refusing her application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, July 13, 1903.

Alice Goodwin,

Kilmer, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you ask that a copy of the decision of the Commission refusing your application for identification as a Mississippi Cheetaw be sent to Messrs. Pruett & Carr, attorneys at law, Pauls Valley, Indian Territory.

In compliance with your request a copy of the Commission's decision has this day been forwarded to the above mentioned attorneys.

Respectfully,

Commissioner in Charge.

Date

NOV 26 1900

Name

Alice Goodwin.

Age

21.

Blood

1/8

Post Office,

Wynnewood, J. D.

Father:

Joseph Allison - dead.

Mother:

Martha Allison - dead.

Claims through mother.

HUSBAND:

Theodore Goodwin.

(No claim for husband).

Children:

C. E. Goodwin 3.

Lettie " " 19 mo.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 26 1900

ACTING CHAIRMAN.

Stenographer:

Wellshear.

Chac. mcr 1071 Ann McDonald

See mcr 1073-1074

Trans from mcd 4

mcr 1071

**REFUSED**

DECISION RENDERED.

JUL 21 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

JUL 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

AUG 30 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

AUG 30 1902

REFER TO M. C. R. 1073-1074.

No. 1071.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 26th, 1900.

IN THE MATTER OF THE APPLICATION OF ANN McDONNELL FOR THE IDENTIFICATION OF HERSELF AND THREE MINOR CHILDREN AS MISSISSIPPI CHOCTAWS.

The said Ann McDonnell, being duly sworn, was examined by the Commission and testified as follows:

Q What is your name? A Ann McDonnell.

Q What is your age? A Fifty-eight.

Q What is your post office address? A Opie, Indian Territory.

Q Are you a resident of the Indian Territory? A Yes, sir.

Q How long have you resided here? A It is 11 years.

Q Have you maintained a continuous residence in the Indian Territory for the past eleven years? A Yes, sir.

Q Have you been outside of the Indian Territory during that time? A No, sir; I ain't been outside of it.

Q Where did you live before your residence in the Indian Territory? A In Texas.

Q How long did you live in Texas? A We lived there up until that time.

Q You were born there? A No; sir, I was born in Mississippi.

Q I asked you how long you lived in Texas and you said up until you moved to the Indian Territory. How long did you live there? How long have you lived in Texas? A Why, I have lived in Texas all my time.

Q Were you born there? A Yes, sir; I was born there in Texas.

Q Then you were born in Texas and lived there until twelve years ago when you removed to the Indian Territory? A Yes, sir.

Q How much Choctaw blood do you claim? A A quarter.

Q What is your father's name? A James Penn.

Q Is your father living? A No, sir.

Q What is your mother's name? A Sane.

Q Is your mother living? A No, sir.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A I suppose so.

Q Why do you suppose so? A Well, I guess my mother was there when the treaty was made. She was in Mississippi when the treaty was made.

Q Her name was never on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A Yes, sir.

Q On what rolls? A Choctaw.

Q On which one? A I don't know.

Q When were you ever enrolled by the Choctaw tribal authorities? A Why two years ago.

Q Where? A Where at?

Q Yes, ma'am. A Why at Ardmore.

Q By whom? A Arnold and Hudson.

MR. L. P. Hudson (Counsel for applicant) No.

THE APPLICANT: Not Hudson?



MR. J. P. Hudson, (Counsel for applicant) No.

THE APPLICANT: Why, Adams.

Q They told you you were enrolled as a Choctaw Indian? A I told them I was a Choctaw and they was bringing it ~~thru~~ through for me. My mother was a half breed.

Q You mean by your name being on the Choctaw tribal rolls that you appeared before the Commission at Ardmore two years ago, don't you? A Yes, sir.

Q And you have never been recognized by the Choctaw tribal authorities in the Indian Territory as a citizen, have you? A Yes, sir; I have always been recognized as that.

Q By the Choctaw tribal authorities? A Yes, sir.

Q Did they ever admit you to citizenship in the Choctaw Nation by any act of their National Council? A Why, I suppose so.

Q Where is that act of the National Council admitting you? A All the place I went was to Ardmore.

Q Have you ever prior to your application to the Commission at Ardmore, two years ago, applied to the Choctaw authorities for citizenship in the Choctaw Nation? A Yes, sir.

Q Where? A How do you mean?

Q Did you, prior to your application to the Commission at Ardmore two years ago, did you ever before that apply to the Choctaw tribal authorities? A No, sir.

Q That was the first application you ever made? A No, sir.

Q Had you ever prior to that time been recognized by the Choctaw tribal authorities as a citizen? A No, sir.

Q Had you ever been enrolled by the Choctaw tribal authorities? A No, sir.

Q Did you, or did any one in your behalf, in 1896, make application to this commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? Did you make any application? A No, sir; not four years ago.

Q Did anybody make any for you? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by any judgment of the United States courts in the Indian Territory? A No, sir.

Q You are the identical Ann McDonnell who made application to this Commission for identification as a Mississippi Choctaw at Ardmore on September 22nd, 1898, are you? A Yes, sir.

BY THE COMMISSIONER: Reference is made to the application made by Ann McDonald on September 22nd, 1898, a record of which appears on Choctaw Card for identification as a Mississippi Choctaw as D. No. 4.

Q Are you making your application for identification as a Mississippi Choctaw as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors through whom you might claim this right of identification signify to the United States Indian Agent of the Choctaw Indian in Mississippi their intention to remain in Mississippi and become citizens of that State, within six months after the ratification of the treaty of 1830? A Yes, sir.

Q Which one of your ancestors? A My mother.

Q Jane Penn? A Yes, sir.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes, sir.

Q When did she leave there? A Well, I was so small when she left there I don't remember now just when she did leave. I was small.

Q She left Mississippi did she? A Yes, sir.

Q Where did she move to? A To Alabama, and then from Alabama to Texas.

Q How old would your mother be if she were living? A I couldn't tell you.

Q When did she die? A She has been dead for years. I couldn't tell you that because I was small.

Ann McDonnal at al---3.

Q How long has she been dead? A Well, she has been dead, I reckon, about sixty years, I reckon.

Q You are only fifty-eight years old yourself.

A Well, I don't know how long my mother has been dead. I can't read nor write.

Q How old would your mother ----How old were you when your mother died? A I was ten years old, about ten.

Q How old was your mother when she died? A I don't know how old she was.

Q How old was she? A I don't know, sir.

Q Was she as old a woman as you are? A No, sir; I don't suppose she was. I don't recollect though.

Q About how old a woman was she? A I reckon she was --- there was only just two children, I reckon. She must have been twenty-five, and she might have been thirty. I don't know how old she was.

Q She was somewhere along there? A Yes, sir; somewhere along there. I don't remember my mother. I was small; I don't remember her much.

Q What was her mother's name and her father's name? A I don't know that. I don't know what her mother's and father's name was.

Q Your mother would have been under twenty-one years of age in Mississippi in 1830, wouldn't she? A Yes, sir; I reckon she would.

Q You don't know what her father's name was? A No, sir.

Q You don't know what her mother's name was? A No, sir; I don't.

Q What were your people considered in Mississippi? A I don't know that I have got any people in Mississippi.

Q Your people came from there? A Yes, sir.

Q What were they considered, white people? A No, sir; my mother was a half breed Choctaw.

Q Was she a Choctaw or a Chickasaw? A Choctaw.

Q She never claimed to be anything but a Choctaw. You have no evidence of any of your ancestors having signified their intention to the United States Indian agent to remain in Mississippi, within six months after the ratification of that treaty of 1830, which would have been August 24th, 1831? Did any of your ancestors signify to the Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of that State? A No, sir; not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know that. I guess they did.

Q Do you make any claim under any other treaty stipulations between the United States or the Choctaw Indians besides the 14th article of the treaty of 1830? A No, sir.

Q Are you married? A No, sir.

Q Have you ever been married? A Yes, sir.

Q Is your deceased husband the father of the three children for whom you want to make application? A Yes, sir.

Q What was his name? Walter McDonnal.

Q How long has he been dead? A He has been dead eight or nine years, eight years, I believe.

Q What are the names and ages of your three children for whom you desire to make application? A The oldest one is John.



Q How old is John? A He is nineteen.  
 Q The next one? Luster. He is seventeen years old.  
 Q The next one? A Fifteen. Ada.  
 Q Is that all? A That is all under age.  
 Q Are you the mother of these three children? A Yes, sir.  
 Q Is Walter Mc. Donnal, your deceased husband, the father of all three of them? A Yes, sir.  
 Q These children have always lived with you at your home? A Yes, sir.  
 Q Their claim is identical with yours? A Yes, sir.  
 Q Is there any additional statement you desire to make in support of your application? A No, sir.  
 Q Is there any additional ~~and~~ written evidence you desire to submit to the Commission in support of your application? A Well, I don't know that I have-----

MR. L. P. Hudson (Counsel for applicant) The evidence is there.  
 BY THE COMMISSION: Therecord made by the Commission at the time Ann McDonald applied for identification as a Mississippi Choctaw at Ardmore September 22nd, 1898, is made a part of the record in this case.

Examination-----By Mr. L. P. Hudson.  
 (Counsel for applicant)

Q In your original applicant your name is spelled McDonald. You now say that your name is spelled M-o-D-o-n-n-a-l. Is that correct? A Yes, sir; that is correct, Mc-D-o-n-n-a-l. That is correct. I can't read or write but that is correct.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future at your present post office address.

-----o-----

Wm. S. Welldear, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application for identification, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November,  
 A D. 1900.

*Wm. S. Welldear*  
*G. L. Emerson*  
 Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE SEVEN CIVILIZED TRIBES.

---0---

In the matter of the application of Ann McDonnal, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

Ann McDonnal, et al	M.C.R. 1071
Thornton McDonnal	" 1073
Ed McDonnal	" 1074

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of  
Ann McDonnal, et al.

Original application of Ann McDonnal, et al.,  
before the Dawes Commission for identification  
as Mississippi Choctaws .....1

Record of testimony taken at Ardmore, Indian  
Territory, September 22, 1898, in the matter of the  
application of Mrs. Ann McDonald for citizenship  
as a Mississippi Choctaw .....8

Original application of Thornton McDonnal before  
the Dawes Commission for identification as a  
Mississippi Choctaw .....11

Decision of the Commission denying the appli-  
cation of Thornton McDonnal for identification  
as a Mississippi Choctaw .....14

Copy of letter enclosing decision of the Commission  
denying the application of Thornton McDonnal  
for identification as a Mississippi Choctaw .....16

Return registry receipt .....17

(2)

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Written appearance of Hudson & Arnold .....	18
Original application of Ed McDennal before the Daves Commission for identification as a Mississippi Choctaw .....	19
Decision of the Commission denying the application of Ed McDennal for identification as a Missis- sippi Choctaw .....	21
Copy of letter of the Commission to Ed McDennal enclosing the decision of the Commission denying his application for identification as a Mississippi Choctaw .....	22
Return registry receipt .....	23
Written appearance of Hudson & Arnold .....	24
Decision of the Commission denying the application of Ann McDennal, et al., for identification as Mississippi Choctaws .....	25

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J.W.R.  
C.W.  
-----  
In the matter of the application of Ann McDennal, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

Ann McDennal, et al	M.C.R. 1071
Thornton McDennal	" 1073
Ed McDennal	" 1074

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Ann McDennal for herself and her three minor children, John, Luster, and Ada McDennal; by Thornton McDennal for himself, and by Ed McDennal for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

(2)

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jane Penn, who is alleged to have been a half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).


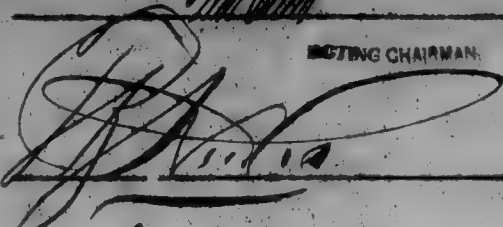
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jane Penn, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is, therefore, the opinion of this Commission that the

(3)

evidence herein is insufficient to determine the identity of Ann McDennal, John McDennal, Luster McDennal, Ada McDennal, Thornton McDennal and Ed McDennal, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
ACTING CHAIRMAN.  
  
\_\_\_\_\_  
C. R. Bucknidge  
Commissioners.

Muskogee, Indian Territory,

JUL 21 1902

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(C O P Y)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, August 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from Thomas B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated July 21, 1902, forwarding for the Department's consideration the record relative to the consolidated case of Ann McDonnal, et al., who apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of 1830.

Ann McDonnal applies for the identification of herself and her three minor children, John, Luster and Ada McDonnal.

Thornton McDonnal applies for the identification of himself.

Ed McDonnal applies for the identification of himself.

July 21, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

The applicants claim descent from Jane Penn the mother of the principal applicant,-- Ann McDonnal.



The records of the office fail to show that the alleged original ancestor of the applicants complied or attempted to comply with the provisions of Article 14 of the treaty of 1830, or that she applied to the Commissions appointed under the acts of March 3, 1837a and August 23, 1842, for an adjudication of her rights.

It is therefore respectfully recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

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(Signed) A. C. Tonner,  
Acting Commissioner.

(G.A.W.)

P.

D.C. 13919.-1902.

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RAF.

DEPARTMENT OF THE INTERIOR.

Washington, August 21, 1902.

ITD. 5029-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

With your letter of July 21, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Ann McDonnal and her minor children, John, Luster and Ada McDonnal; of Thornton McDonnal, and of Ed McDonnal.

The applicants endeavor to trace their descent from one Jane Penn, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that Jane Penn ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You denied the applications.

The Acting Commissioner of Indian Affairs forwarded the

-2-

papers August 13, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully considered the whole case, the Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

END.

1 inclosure.

IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*Ann McDonald, et al*

*MEIR 1071*

SECTION NO. 1071

Ann McDonald  
et al

Consolidated Case

James Penn  
wife  
Jane Penn

mb<sup>R</sup>  
1071  
Ann Penn 58 1/4  
marries  
Walter McDonald  
Dea

mb<sup>R</sup>  
1073  
Thorin McDonald 28 1/8  
mb<sup>R</sup>  
1074  
Ed McDonald 24 1/8  
mb<sup>R</sup>  
1071  
John McDonald 19  
" Luster McDonald 17  
" Ada McDonald 15

Muskogee, Indian Territory, July 31, 1903.

Messrs Mansfield, McMuray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann McDannal, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann McDannal, et al.,	M C R 1071
Thurston McDannal,	M C R 1073
Ed McDannal,	M C R 1074

These applications were made under the provision of the act of Congress of June 26, 1896, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann McDannal, John McDannal, Lester McDannal, Ada McDannal, Thurston



W. McN. & Co.

McDonnell and Ed McDonnell, as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of 1866, and that the applications for their identification have been forwarded to the Department of the Interior.

It is further stated that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Very truly,

(SIGNED)

*T. B. Nease*

Commissioner in Charge.

COPY.

M O R 1071.

Muskogee, Indian Territory, July 31, 1903.

Ann McDonnal,

Opie, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann McDonnal, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann McDonnal, et al.,	M O R 1071
Thornston McDonnal,	M O R 1073
Ed McDonnal,	M O R 1074

These applications were made under the provision of the act of Congress of June 30, 1902, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann McDonnal, John McDonnal, Luster McDonnal, Ada McDonnal, Thornston

A. McDonald

McDonald and Ed McDonald, as Cheateau Indians entitled to rights in the Cheateau lands under the provisions of said article fourteenth of the treaty of 1836, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles

Commissioner in Charge.

Registered.

COPY

M C R 1071

Waukegon, Indian Territory, July 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ann McDannal, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 31st, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Ann McDannal, et al., M C R 1071

Thornien McDannal, M C R 1073

Ed McDannal, M C R 1074

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nation, have been duly advised by

Secretary of the Interior-----

letter of the action of the Commission, copies of said letters  
being attached to the Record.

Respectfully,

(SIGNED)

*T. B. Needles,*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

COPY.

M.C.R. 1071.

Waskogee, Indian Territory, August 30, 1902.

Ann McDonnal,

Opie, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann McDonnal, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Yours truly,

(SIGNED).

*Lewis Bixby*

Acting Chairman.

M.C.R. 1071.

COPY.

Muskogee, Indian Territory, August 30, 1902,

Hansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann McDannal, et al., of which decision you were advised by mail on the 21st day of July, 1902.

Yours truly,

(SIGNED)

Acting Chairman.



No. 1071

For Identification as a Mississippi Choctaw.

Date NOV 26 1900

Name Ann Mc. Donnal

Age 58 Blood 1/4

Post Office, Opie Ind. Ter.

Father: James Penn - dead.

Mother: Jane Penn - dead

Claims through mother.

HUSBAND:

Walter Mc. Donnal - dead  
(No claim for husband).

Children:

John Mc. Donnal 19.

Luster " " 17.

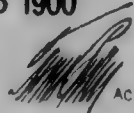
Ada " " 15.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 26 1900

Stenographer,  
Wellshear.



ACTING CHAIRMAN.

Choc MCR 1072 Vickie Hunter

see MCR 1694

MCR 1072

R. 10

*Wickie Hunter et al*

**- REFUSED**

DECISION RENDERED. FEB 13 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB 13 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 13 1903

RECORD FORWARDED DEPARTMENT.

MAR -2 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR -4 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 18 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 18 1903

REFER TO M. C. R. 1694

**DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 26, 1900.**

In the matter of the application of Vickie Hunter for the identification of herself and her seven minor children as Mississippi Choctaws.

Vickie Hunter, having been first duly sworn, on her oath, testifies as follows:

**Examination by the Commission:**

- Q What is your name? A Hunter.
- Q Your full given name? A Vickie Hunter.
- Q What is your age? A Thirty years old.
- Q What is your post office address? A Santa Anna, Coleman County, Texas.
- Q Are you a resident of the state of Texas? A Yes sir.
- Q How long have you resided in Texas? A All my life.
- Q Born there and lived there all your life? A Yes sir.
- Q Never maintained a residence anywhere else? A No sir.
- Q How much Choctaw blood do you claim? A About one sixteenth I reckon.
- Q What is your father's name? A Enock P. James.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Amanda C. James.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q Has your father ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.
- Q Is his name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for admission to citizenship as a Choctaw? A No sir.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their national council as a citizen of the Choctaw Nation? A No sir.
- Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896? A Not that I know of.
- Q You would know whether you had or not, wouldn't you? A Yes sir. I know I did not.
- Q Did you authorize any one to make application for you? A No sir.
- Q Have you any reason to believe that any application was made for you? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
- Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment in the Choctaw Nation? A No sir.
- Q This is your first application of any description, is it? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to lands under the treaty 1830? A Why because my great grandfather was an Indian.
- Q You are making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Vickie Hunter-2

- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe in 1830 at the time the treaty was entered into between the United States and the Choctaw Nation? A John James.
- Q Have you any evidence showing that John James was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830?
- A I don't know that I have any of that date, but I have some that have been testified to of parties that knew him but I don't know it was that date.
- Q What do you know about his residence in Mississippi? A Nothing at all.
- Q Where did he die? A I suppose he died in Mississippi. Of course he was dead before I was born.
- Q Do you know about when he died? A No sir.
- Q Do you know anything about his recognition as a Choctaw Indian in Mississippi? A No sir.
- Q Do you know whether John James signified to the United States Indian Agent of the Choctaw Indians in Mississippi his intention, within six months after the ratification of the treaty of 1830, to remain and become a citizen of the state of Mississippi? A No sir, I do not.
- Q Did John James or any other of your ancestors through whom you might claim this right to identification ever receive an claim any land in Mississippi under the fourteenth article of the treaty of 1830? A No sir, not that I know of.
- Q Do you make any claim under any other treaty stipulations entered into between the United States and the Choctaw tribe of Indians?
- A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Leonard W. Hunter.
- Q You are not making any claim for him? A No sir.
- Q He is a white man? A Yes sir.
- Q Did he ever make any claim to Indian citizenship by blood?
- A No sir.
- Q Where did you marry him? A In Coleman County, Texas.
- Q How long have you been married? A Fourteen years the 4th day of February.
- Q Have you any children? A Yes sir, I have seven.
- Q Do you wish to make application for them? A Yes sir.
- Q What are their names and ages? A Mattie.
- Q How old? A Thirteen years.
- Q All right? A Roger eleven.
- Q All right, go right ahead? A Lee, ten years; Theo nine years, Robert, seven years, Archie five years, Juanita three years.
- Q Are you the mother of these seven children? A Yes sir.
- Q Leonard W. Hunter is the father? A Yes sir.
- Q The children all live with you at your home? A Yes sir.
- Q The claim is the same as yours? A Yes sir.
- Q You and your husband are living together? A Yes sir.
- Q Is there any additional statement you desire to make in support of the application for identification which you make on behalf of yourself and on behalf of your seven children? A No sir.
- Q Is there any written evidence you desire to offer in support of your application? A Yes sir, my father has some.

Permission is granted the applicant to file written evidence in support of this application provided the same is offered the Commission for filing within fifteen days.

Vickie Hunter-3

The decision of the Commission as to your application and application you make on behalf of your seven minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 26<sup>th</sup> day of November, 1900.

*Geo L V Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Vickie Hunter for the identification of herself and her minor children Mattie Hunter, Roger Hunter, Lee Hunter, Theo Hunter, Robert Hunter, Archie Hunter, and Juanita Hunter, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Vickie Hunter appeared before the Commission at Muskogee, Indian Territory, November 26, 1900, and there made application for the identification of herself and her minor children, Mattie Hunter, Roger Hunter, Lee Hunter, Theo Hunter, Robert Hunter, Archie Hunter, and Juanita Hunter, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between The United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws on-



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Vickie Hunter*  
*et al*

*mcr*  
*#1072*

hh

titled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Vickie Hunter for herself and her minor children, Mattie Hunter, Roger Hunter, Lee Hunter, Theo Hunter, Robert Hunter, Archie Hunter, and Juanita Hunter, as Mississippi Choctaws, be, and the same is, hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Muskogee, Indian Territory.

FEB 28 1901

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-0-

In the matter of the application of Vickie Hunter, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Vickie Hunter, et al.,	M.C.R. 1072
Mary C. Wilson, et al.,	M.C.R. 1694

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Vickie Hunter, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of E. P. James-----	4
Affidavit of James Tynes-----	5
Affidavit of John Lewis-----	6
Affidavit of Jonas Frasier-----	7
Written statement of Vickie Hunter-----	8
Decision of the Commission refusing the application of Vickie Hunter, et al., for identification as Mississippi Choctaws-----	9
Copy of letter of the Commission transmitting above decision-----	11
Registry receipt-----	12
Original application of Mary C. Wilson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	13
Affidavit of John Lewis-----	15

Purported affidavit of Jonas Frazier-----	16
Affidavit of James Tyme-----	17
Affidavit of Mary C. Davis-----	18
Affidavit of E. P. James-----	19
Decision of the Commission refusing the ap- plications in the consolidated case of Vickie Hunter, et al., for identification as Mississ- ippi Choctaws-----	20

COPY.

*C.W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Vickie Hunter, et al., for  
identification as Mississippi Choctaws, consolidating the applica-  
tions of:-

Vickie Hunter, et al.,	M.C.R. 1072
Mary C. Wilson, et al.,	M.C.R. 1694

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Vickie Hunter for herself and her seven minor children, Mattie,  
Roger, Lee, Theo, Robert, Archie and Juanita Hunter; and by Mary  
C. Wilson for herself and her four minor children, Ida M., Jack,  
Viola and Davetta Wilson, under the following provision of the act  
of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Daniel James, who is alleged to have been a Choctaw Indian, degree of blood not known.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 ( 29 Stats., 321).

It appears from the record herein that a less remote ancestor of the applicants in the person of John James, son of Daniel James, was living in eighteen hundred and thirty, and it is found that the name of one John James appears on page 74, Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbe's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty; also on page 124 of said Volume in a list of claims allowed under the treaty in Wingo Mushulatubbee's District. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the person therein named with its provis-

ions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Daniel James, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vickie Hunter, Mattie Hunter, Roger Hunter, Lee Hunter, Theo Hunter, Robert Hunter, Archie Hunter, Juanita Hunter, Mary C. Wilson, Ida M. Wilson, Jack Wilson, Viola Wilson and Davetta Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tame Dixie.*

Acting Chairman.

*I. B. Needles.*

Commissioner.

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

FEB 13 1903



Consolidated Case of  
Vickie Hunter et al.

RE:

1072

Daniel James

John James (b. 1882)

David James (3/2)  
wife  
Mary James

4882  
Enoch T. James  
mar

Amanda C. Patton

1371  
Amanda James  
mar

Perry S. Cantrell

mc 12  
1072  
Vickie James 30-1/16  
mar

Leonard W. Hunter  
no

mc 12  
1694  
Mary C. Cantrell 29-1/16  
mar

J. W. Wilson

mc 12  
1072  
Mattie Hunter 13  
" Roger Hunter 11  
" Lee Hunter 10  
" Theo Hunter 9  
" Robert Hunter 7  
" Archie Hunter 5  
" Juanita Hunter 3

mc 12  
1694  
Ida M. Wilson 6  
" Jack Wilson 4  
" Viola Wilson 3  
" Davetta Wilson 2 who

Applicants know little beyond  
parents: 1694 testifies that  
John James was her great-  
grandfather: Affidants  
filed in each case give the  
connection as best known.

Supplemental  
to

5-31  
-6 4882

Muskogee, Indian Territory, December 8, 1909.

Dr. E. P. James,

Durant, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 5th instant enclosing the written application of Mrs. Vickie Hunter, and the same has been duly filed by the Commission in the matter of the application of Mrs. Hunter for the identification of herself and her seven minor children as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M. C. 1972

M.C.R. 1072

Muskogee, Indian Territory, February 13, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Vickie Hunter, et al., embracing the following applications for identification as Mississippi Choctaws:

Vickie Hunter, et al.	M.C.R. 1072
Mary C. Wilson, et al.	M.C.R. 1694

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Vickie Hunter, Mattie Hunter, Roger Hunter, Lee Hunter, Theo Hunter, Robert Hunter, Archie Hunter, Juanita Hunter, Mary C. Wilson, Ida M. Wilson, Jack Wilson, Viola Wilson and Davetta Wilson as Choctaw Indians entitled to rights in the Choctawlands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Jame Dixie*

Acting Chairman.

COPY.

M.C.R. 1072

askogee, Indian Territory, February 13, 1903.

Texas.

by advised that on the 13th day of February,  
to the Five Civilized Tribes rendered a de-  
dated case of Vickie Hunter, et al., embra-  
fications for identification as Mississippi

Hunter, et al. M.C.R. 1072  
. Wilson, et al. M.C.R. 1694

ocations were made under the provision of the  
ne 28, 1898 (30 Stats., 495), which is as

ession shall have authority to determine the  
law Indians claiming rights in the Choctaw  
ele fourteen of the treaty between the United  
Choctaw Nation, concluded September twenty-  
n hundred and thirty, and to that end may  
, examine witnesses and perform all other  
hereto, and make report to the Secretary of

on concludes as follows:

efore the opinion of this Commission that the  
is insufficient to determine the identity of  
Attie Hunter, Roger Hunter, Lee Hunter, Theo  
unter, Archie Hunter, Juanita Hunter, Mary  
. Wilson, Jack Wilson, Viola Wilson and

Vickie Hunter, --2

Davetta Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs,

Respectfully,

(SIGNED):

*Tams Bixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Vickie Hunter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 13, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Vickie Hunter, et al.,	M.C.R. 1072
Mary C. Wilson, et al.,	M.C.R. 1694

The Commission has the honor to report that the principal applicants in the two separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Enoch P. James, et al., a decision in which was rendered by the Commission on May 31, 1902, and approved by the Secretary on November 6, 1902.

Respectfully,

Through the  
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 1072

*Tame Kirby.*

Chairman.



Land  
55-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 14, 1903.

Honorable

The Secretary of the Interior.

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of application for identification as Mississippi Choctaws of Vickie Hunter, for herself and her children, Willie, Roger, Lee, Theo, Robert, Archie, and Juanita, wherein a decision adverse to the applicants was rendered by the Commission on February 28, 1903.

An examination of the evidence in this case shows that the claim made by these parties to identification is based on their descent from Daniel James and John James, who, it is alleged, were citizens of the Choctaw Nation and residents of Alabama or Mississippi in 1830.

The Commission states in its decision rejecting these applicants, that after a careful review of all evidence in support of their claim, it is of the

opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article 14 of the treaty of 1830.

The office has caused an examination to be made of its records and finds that there was a John James who was a reservee under the 19th article of the Choctaw treaty, and who with one son was transported west by the government in 1833. Neither the names of Daniel James or John James is found in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend the approval of the Commission's decision in this case.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 9958-1903.  
I.T.D. 2898-1903.  
L.R.S.

C O P Y.

E.A.F.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

April 4, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

March 2, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Vickie Hunter and her minor children, Mattie Roger, Lee, Theo, Robert, Archie and Juanita Hunter; and of Mary C. Wilson and her minor children, Ida M., Jack, Viola and Davetta Wilson. You denied the applications February 13, 1903.

The applicants claim to be descendants of Daniel James and John James, who are alleged to have been Choctaw Indians residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

Reporting March 14, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The record has been carefully examined and no reason appears why your decision should not be approved. The Department therefore affirms the same.

Respectfully,

THOS RYAN,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 1072

Muskogee, Indian Territory, April 12, 1903

Vickie Hunter,

Santa Anna, Texas.

Dear Madam:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Vickie Hunter, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

(SIGNED).

*Tame Bixby.*

Chairman.

COPY.

Muskogee, Indian Territory, April 18, 1903.

Mansfield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Vickie Hunter, et al., of which decision you were advised by mail on the 13th day of February, 1903.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

No. 1072

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Vickie Hunter.*

Age *30* Blood *1/16.*

Post Office, *Santa-Anna, Texas.*

Father: *Enoch P. James - ✓*

Mother: *Amanda C. James - ✓*

Claims through *father.*

HUSBAND:

*Leonard W. Hunter - ✓*  
(No claim for husband).

Children:

<i>Mattie Hunter</i>	<i>13.</i>
<i>Roger</i>	<i>11.</i>
<i>Lee</i>	<i>10.</i>
<i>Oreo.</i>	<i>9.</i>
<i>Robert</i>	<i>7.</i>
<i>Archue</i>	<i>5.</i>
<i>Juanita</i>	<i>3.</i>

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**

Stenographer:  
*Anna Bell.*



1072  
REF

*Vickie Hunter et al*

*Judgment written Feb. 2, 1901*  
R

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.

FEB 2 1901

*[Signature]*  
ACTING CHAIRMAN

REFER TO L. R.

1694

*Mary Wilson et al.*

4882

mcr 1073 Thornton McDonald

see mcr 1071

mcr 1073

1071  
Hornnton M. Dannel

REFUSED

DECISION RENDERED. JUL 21 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

JUL 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

AUG 30 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

AUG 30 1902

REFER TO M. C. R. 1071

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 26, 1900.

In the matter of the application for identification as a  
Mississippi Choctaw of Thornton McDonnal.

Thornton McDonnal, having been first duly sworn, testifies  
as follows:

Examination by the Commission.

- Q What is your name? A Thornton McDonnal.  
Q What is your age? A Twenty eight.  
Q What is your post office address? A Opie.  
Q Indian Territory? A Yes sir.  
Q Are you a resident of the Indian Territory? A Yes sir.  
Q How long have you resided here? A About eleven years.  
Q Have you maintained a continuous residence in Indian Territory  
for the past eleven years? A Yes sir.  
~~Q Have not been outside of the Indian Territory during that time?~~  
Q I have not lived outside of the Indian Territory, I have been in  
Texas.  
Q How much Choctaw blood do you claim? A One eighth.  
Q What is your father's name? A Walter McDonnal.  
Q Is he living? A No sir.  
Q What is your mother's name? A Ann McDonnal.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my mother.  
Q Was your mother's name ever upon any of the tribal rolls of the  
Choctaw Nation? A Not that I know of.  
Q Was she ever recognized by the Choctaw tribal authorities as a cit-  
izen of the Choctaw Nation? A Not that I know of.  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No sir.  
Q Have you ever made application to the Choctaw tribal authorities  
for citizenship in the Choctaw Nation? A No sir, not only this.  
Q This is not the Choctaw authorities. Have you ever been recognized  
by the Choctaw tribal authorities by any official act of their  
National Council as a citizen of the Choctaw Nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to  
this Commission for citizenship in the Choctaw Nation under the  
act of June 10, 1896? A No sir, not that I know of.  
Q Did you make any yourself? A No sir.  
Q Did you authorize any body to make any for you? A No sir.  
Q Have you any idea that any body did make any? (No answer.)  
Q Why do you say "Not that I know of"? A Well, I don't know.  
Q You have not any reason to believe that anybody did, have you?  
A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by judgment of the United States Courts in Indian Territory on ap-  
peal from the decision of the Choctaw tribal authorities or the  
decision of this Commission? A No sir.  
Q Have you ever prior to this time made any application either to  
the Choctaw tribal authorities or the authorities of the United  
States for either citizenship or enrollment in the Choctaw Nation?  
A No sir.  
Q This is your first application of any description? A Yes sir.

Thornton McDonnal-2

- Q You are making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the treaty of 1830? A Well, my mother has always claimed it.
- Q Why do you believe that you are entitled to any rights? A Why, I am part Choctaw Indian.
- Q Do you claim it as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor or ancestors through whom you claim this right to identification who was a recognized member of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians within six months after the ratification of the treaty of 1830 his intention to remain and become citizen of the United States? A I don't know sir.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the ~~next~~ fourteenth article of the treaty of 1830? A I don't know sir.
- Q Where did you live prior to your residence in Indian Territory? A In Texas.
- Q How long have you lived there? A I was born there.
- Q Born there? A Yes sir.
- Q Where did your mother live? A She lived in Texas.
- Q All her life? A I don't know whether she lived there all her life.
- Q Where did she come from? A I could not tell you that.
- Q Do you know anything about your mother's residence? A No sir.
- Q Do you know anything about your mother's parents' residence? A No sir, I don't know.
- Q Do you know anything as to your mother's parents' ~~identification~~ recognition as Choctaw Indians? A No sir.
- Q Do you make any claim under any other treaty stipulation between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q You have no children? A No sir.
- Q Making this application solely on your own behalf? A Yes sir.
- Q Is there any additional statement which you desire to make in support of your application for identification as a Mississippi Choctaw? A No sir.
- Q Is there any written evidence which you desire to file in support of this application?

Here L. P. Hudson, attorney for applicant, asks leave to file certified copies of evidence now on file in case of Ann McDonnal, to be used in this case.

By the Commission:

Permission is granted the attorney for applicant to file additional evidence in this case provided the same is offered to the Commission for filing within fifteen days.

By the Commission:

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post office address.

Thornton McDonnal-3

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 26<sup>th</sup> day of November, 1900.

*Guy L. V. Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ann McDonnal for the identification of herself and her minor children, John, Luster and Ada McDonnal, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Ann McDonnal appeared before the Commission at Muskogee, Indian Territory, November 26, 1900, and there made application for the identification of herself and her minor children, John McDonnal, Luster McDonnal and Ada McDonnal, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (Public No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ann McDonnal and her minor children, John McDonnal, Luster McDonnal and Ada McDonnal, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

ACTING CHAIRMAN.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thornton Mc Donnal for the identification of himself, as a Mississippi Choctaw.

DECISION.

The record in this case shows that Thornton Mc Donnal, appeared before the Commission at Muskogee, Indian Territory, November 26, 1900, and there made application for the identification of himself as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Thornton Mc Donnal, for himself, as a Mississippi Choctaw, be, and the same is, hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

15

FEB 28 1901

Acting Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Thomton McDonnell*

*mcr*  
*#1073*

Muskogee, Indian Territory, March 30, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 11, inclosing requests of Thornton McDennal and Ed McDennal to have the papers in their cases forwarded to the Secretary of the Interior. The requests will be filed with the other papers in these cases, and the records so made will be transmitted to the Secretary of the Interior.

Yours truly,

MCR 1073  
MCR 1074

Acting Chairman.

COPY.

M O R 1073

Muskogee, Indian Territory, July 21, 1902.

Thornton McDonnal,

Opie, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann McDonnal, et al., embracing the following applications for identification as Mississippi Choctaws:

Ann McDonnal, et al.,	M O R 1071
Thornton McDonnal,	M O R 1073
Ed McDonnal,	M O R 1074

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann McDonnal, John McDonnal, Luster McDonnal, Ada McDonnal, Thornton McDonnal, and Ed McDonnal as Choctaw Indians entitled to rights

T McD—

in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 1073.

Muskogee, Indian Territory, August 30, 1902,

Thornton McDonnell,

Okla, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann McDonnell, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Yours truly,

(SIGNED)

*James H. H. H.*  
Acting Chairman.

No. 1073

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Thornton Mc. Konnal.*

Age *28* Blood *1/8*

Post Office, *Opie, Ind. Ter.*

Father: *Walter Mc. Konnal - dead.*

Mother: *Ann Mc. Konnal - ✓*

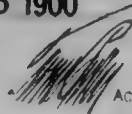
Claims through *mother.*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**



ACTING CHAIRMAN.

Stenographer:  
*Anna Bell,*



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

1073

REFUSED.

*Thornton McDonnell.*

*Judge ...*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.

FEB 28 1901

*[Signature]*  
ACTING CHAIRMAN.

REFER TO M. C. R.

DECISION PREPARED

Choc mcr 1074 Ed m<sup>c</sup>Donna/

See mcr 1071

mcr  
1074

*E. a. McConnel*

REFUSED

DECISION RENDERED.

JUL 21 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 21 1902

RECORD FORWARDED DEPARTMENT.

JUL 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

AUG 30 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

AUG 30 1902

REFER TO M. C. R. 1071

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 26, 1900.

In the matter of the application of Ed McDonnal for identification as a Mississippi Choctaw.

Ed McDonnal, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Ed McDonnal.  
Q What is your age? A My age is twenty four.  
Q What is your post office address? A Ryan.  
Q Indian Territory? A Yes sir.  
Q Are you a resident of the Indian Territory? A Yes sir.  
Q How long have you resided in the Indian Territory? A Eleven years.  
Q Have you maintained a continuous residence in Indian territory for eleven years? A Yes sir.  
Q Where did you live prior to that time? A Texas.  
Q How long did you live in Texas? A All my life.  
Q Born there? A Yes sir, I was born there.  
Q How much Choctaw blood do you claim? A An eighth.  
Q What is your father's name? A Walter McDonnal.  
Q Is he living? A No sir.  
Q What is your mother's name? A Ann.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Mother.  
Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A I could not tell you.  
Q Has your mother ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I could not tell you.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, I could not tell you.  
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A I don't know.  
Q Did you ever make application? A No sir.  
Q It isn't likely that they would admit you to citizenship without your having applied to them is it? A No sir.  
Q You have no reason to believe that they ever admitted you to citizenship, have you? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation? A No sir, I don't know.  
Q You would know whether you had ever made application wouldn't you?  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q Have you ever, prior to this time, made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.  
Q This is your first application of any description? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830?

Ed McDonnal-2

- A I don't know har dly, only that my mother she ---
- Q Are you making your claim as an beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor who was a recognized member of the choctaw tribe in Mississippi in 1830 and through whom you now claim the right to identification? A I don't know sir.
- Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians his or their intention to remain and become citizens of the state of Mississippi within six months after the ratification of the treaty of 1830? A I could not tell you that
- Q Did any of your ancestors ever claim or receive any lands under the fourteenth article of the treaty of 1830? A No sir.
- Q You state that you were born and lived in Texas up to the time you removed to the Indian Territory, is that correct? A Yes sir.
- Q Where did your mother live, A She lived in Texas part of the time.
- Q How long did she live in Texas,? A I could not tell you that.
- Q Do you know when she came to Texas? A No sir.
- Q Do you know anything about her residence in Texas? A No sir.
- Q Do you know anything about the residence of her parents? A No sir.
- Q Do you know whether they lived in Mississippi or not? A No sir.
- Q Do you make any claim by reason of any other treaty stipulations between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q You are making this application solely on your own behalf? A Yes sir
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Is there any written evidence which you desire to file in support of your application? A ~~xxxxxx~~

Here L. P. Hudson, attorney for applicant, asks leave to file certified copies of the evidence already on file in case of Ann McDonnal against the Choctaw Nation in this case; also proof of identity as her son within fifteen days of this date.

By the Commission:

Permission is granted the attorney for the applicant to file additional testimony in support of this application provided the same is offered within fifteen days from the date hereof.

By the Commission:

The decision of the Commission in regard to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post office address.

Anna Bell, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 26<sup>th</sup> day of November, 1900.

*Guy L. Emerson*  
Notary Public.

hh

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ed Mc Donnal for the identification of himself as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Ed Mc Donnal, appeared before the Commission at Muskogee, Indian Territory, November 26, 1900, and there made application for the identification of himself as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Ed Mc Donnal for identification of himself, as a Mississippi Choctaw, be, and the same is, hereby, refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

  
Acting Chairman.

FEB 28 1901

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Ed M. Lomae*

*m CR*  
*#1074*



Muskeget, Indian Territory, March 20, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of March 11, inclosing requests of Thornton McDonnal and Ed McDonnal to have the papers in their cases forwarded to the Secretary of the Interior. The requests will be filed with the other papers in these cases, and the records so made will be transmitted to the Secretary of the Interior.

Yours truly,

MOR 1073  
MOR 1074

Acting Chairman.

COPY.

M C R 1074

Waskogee, Indian Territory, July 31, 1902.

Ed McDonnal,

Myar, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ann McDonnal, et al., embracing the following applications for identification as Mississippian Choctaws:

Ann McDonnal, et al.,	M C R 1071
Thornton McDonnal,	M C R 1073
Ed McDonnal,	M C R 1074

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ann McDonnal, John McDonnal, Luster McDonnal, Ada McDonnal, Thornton

B NoD-----

McDonnell and Ed McDonnell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. B. McAdams,*

Commissioner in Charge.

Registered.

M.C.B. 1074.

Muskogee, Indian Territory, August 30, 1902.

Ed McDennal,

Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ann McDennal, et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Yours truly,

(S. G. D.)

Acting Chairman.

No. 1074

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Ed. Mc. Donnal.*

Age *24* Blood *1/8*

Post Office, *Ryan, Ind. Ter.*

Father: *Walter Mc. Donnal - dead*

Mother: *Ann Mc. Donnal - ✓*

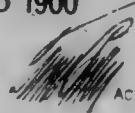
Claims through *no other.*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 26 1900**



ACTING CHAIRMAN.

*Stenographer,*  
*Anna Bell.*


SITH CROSTAW 1071

RE

Ed. McDonnal

Indy... written...

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.  
FEB 27 1901

 ACTING CHAIRMAN

REFER TO M. C. R. 1041

DECISION PREPARED

Choc MCR 1075 WATSON R. CORNISH

see MCR 1077

MCR 1075



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T. Nov. 26, 1900.

In the matter of the application of James H. Cornish,  
for identification as a Mississippi Choctaw. James H. Cornish  
being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A James H. Cornish.
- Q What is your age? A I am 65 if I live to see the 19th  
of coming June.
- Q What is your post-office address? A New Lewisville,  
Arkansas.
- Q Are you a resident of the state of Arkansas? A Yes sir.
- Q How long have you resided there? A Arkansas has been my  
home quite a little while, sir.
- Q About how long? A I expect at least fifty years.
- Q For fifty years you have resided in the state of Arkansas?  
A Yes sir.
- Q Where did you come from to Arkansas? A From Alabama.
- Q How long did you live in Alabama? A I suppose four or  
five years? I moved from Alabama to Florida and from Florida to  
Alabama, from Alabama to Mississippi and from Mississippi to  
Arkansas.
- Q You were born in Alabama? A No sir, born in Arkansas.
- Q You were born in Arkansas? A Yes sir.
- Q And moved from there to Alabama? A Yes sir.
- Q You removed from Alabama to Mississippi? A Yes sir.
- Q What part of Mississippi? A Jackson, Mississippi.
- Q How long did you stay there? A I can't remember.
- Q About how long. A I can't recollect. I was so small.
- Q After that you went to Florida? A Yes sir.
- Q And came back to Alabama? A Yes sir, all I recollect  
about that is what I have heard my parents say.
- Q And then you came to Arkansas? A Yes sir.
- Q That is 50 years ago? A Over fifty years ago.
- Q And have maintained a continuous residence in Arkansas since  
that time? A Yes sir.
- Q You never maintained a residence in either the state of  
Mississippi or the Indian Territory? A No sir.
- Q How much Choctaw blood do you claim? A My grand mother  
was Indian.
- Q How much do you claim? A My grand mother was Foster.
- Q We would like to have you tell us about how much Choctaw  
blood you claim? A About one eighth.
- Q What was your father's name? A William Cornish.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Sarah Cornish.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your  
Choctaw blood? A My mother.
- Q How long has your mother been dead? A She died in 1872 I  
believe.
- Q Was she ever recognized by the Choctaw tribal authorities  
during her life time as a citizen of the Choctaw Nation? A No sir.
- Q Is her name on any of the tribal rolls of the Choctaw  
Nation? A Not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw  
Nation? A If it is, it is not by my consent or knowledge. I

James H. Connick  
Examiner. Page 2

suppose it is not on there.      ◆

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever maintained a residence in the Choctaw Nation in the Indian Territory? A No sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A There is no one made application that I know of. At that time there was some parties living at Cadde wrote me I would perhaps have a right and wanted me to make application but I did not make it. I thought the evidence was so remote that I would not make application.

Q You did not make application in 1896? A No sir, they wrote me and wanted me to make application and it took so much money and I didn't furnish any money and didn't do it.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896, examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of United States Court examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir. None.

Q This is the first application of any description you have ever made for citizenship in the Choctaw Nation? A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw land under the provisions of the 14th article of the treaty of 1830? A By reason that I knew that those living in Mississippi could retain their lands there or take up their lands in Mississippi if they wanted to.

Q What is your understanding of the 14th article of the treaty of 1830? A The Mississippi Choctaws, my understanding of the law, the 14th section of 1830, the treaty of 1830, gives those Mississippi Indians the right to live in Mississippi and take up their land, claim land and afterwards if they disposed of it to give them the right to citizenship in the Choctaw Nation also if they claimed it. That is the way I understand it.

Q You are making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A Only as far as -- I couldn't swear that they did. Only that I have heard them speak of lands in Mississippi. They used to visit us in Arkansas.

Q What was the name of your ancestor or ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 at the time this treaty was entered into between the United States and the Choctaw Indians? A Their name was Foster.

Q What was the full given name? A My grand mother's name was Polly Foster, and James Foster.

James H. Cornish 3

- Q Were they both Choctaw Indians? A Yes sir.
- Q Have you evidence of that fact? A None that I know of.
- No definite evidence of that.
- Q What do you know of their residence in Mississippi after the ratification of the treaty of 1830? A Nothing more only when they would visit my father and mother I would hear them talking of their home in Mississippi and they would stay awhile with us and go back.
- Q You claim your rights through your mother? A Yes sir.
- Q She was a resident of the state of Arkansas fifty years ago? A Yes sir.
- Q What do you know of her residence 25 years prior to that time? A She never reported it to me.
- Q Did she reside in the state of Mississippi? A Yes sir.
- Q As a member of the Choctaw tribe? A Not as I know of.
- Q Where did she live in Mississippi? A Near Jackson. I have heard her speak often of going to Jackson.
- Q Did any of your ancestors signify to the United States Indian Agent in Mississippi their intention to remain and become citizens of the state of Mississippi within six months after the ratification of the treaty of 1830? A Not that I know of.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Not that I know of.
- Q Are you making any claim by reason of any other treaty stipulation between the United States and the Choctaw tribe of Indians? A No sir.
- Q You base your claim solely on the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Making any claim for her? A No sir.
- Q Have you any children under twenty one years of age and unmarried? A No sir.
- Q You are making this application solely on your own behalf? A Yes sir.
- Q Is there any additional statement you desire to make in support of your application. A Nothing. No other additional statement.
- Q Is there any written evidence you desire to submit to the Commission for consideration in support of your application? A Yes sir.

There is offered in evidence the original application and petition of James H. Cornish, and the certified copies of the depositions of A. Womack and A. P. Womack before the Choctaw Citizenship Committee October 14th, 1896, in the matter of the admission to citizenship in the Choctaw Nation of James H. Campbell et. al and the certified copy of the affidavit of Willis James, marked exhibit A, filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27th day of November, 1900.

*Myra Young*  
*Guy L. Cornish*  
Notary Public

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov/ 26, 1900.

In the matter of the application of Watson R. Cornish for the identification of himself and his seven minor children as Mississippi Choctaws. Watson R. Cornish being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Watson R. Cornish.
- Q What is your age? A I will be 46 years old at my next birthday, the 21st day of May.
- Q What is your post-office address, Cornish, I. T. Is my home. My post-office just now is St. Joe, Texas.
- Q What do you mean by that? A My wife and children are over there going to school.
- Q St. Joe, in Texas? A Yes sir.
- Q Are you a resident of Texas? A No sir.
- Q Is the residence of yourself, your wife and children in the Indian Territory? A Our home is at Cornish in the Indian Territory.
- Q Is that your residence? A Yes sir but I taken my wife and children over to St. Joe and rented a house there, for them to go to school.
- Q How long have you lived in the Indian Territory? A Since September 13th, 1876.
- Q Have you maintained a continuous residence in the Indian Territory since 1876? A Yes sir.
- Q Never have maintained a residence elsewhere? A No sir.
- Q Where did you live before that? A In Texas.
- Q How long did you live in Texas? A I was a small boy when my father moved to Texas.
- Q Where did you live before you moved to Texas? A Louisiana.
- Q Were you born in Louisiana? A I don't know whether I was born in Louisiana or Arkansa. I was born close to the libe, either in Louisiana or Arkansas.
- Q And moved from there to Texas? A Yes sir.
- Q When you were a boy how old? A I don't know exactly.
- Q About how old were you? A I might have been six or eight years old. I just can remember we moved.
- Q You never maintained a residence in the state of Mississippi? A No sir. I never was in Mississippi.
- Q How much Choctaw blood do you claim? A From what my father has told me about one sixteenth would be the blood I suppose.
- Q What is your father's name? A John H. Cornish.
- Q Is he living? A No sir.
- Q What is your mother's name? A Helen Cornish.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q How long has your father been dead? A Been dead since January, 1888.
- Q Was he ever recognized by the Choctaw tribal authorities in the Choctaw Nation in the Indian Territory as a citizen of the Choctaw Nation? A No sir.
- Q Was his name ever on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name

of the applicant does not appear thereon.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been recognized by the Choctaw tribal authorities as a citizen of that tribe? A No sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896, examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court, examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw?

A No sir.

Q This is your first application of any description is it?

A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Because I am a descendant of a Mississippi Choctaw.

Q You are making your claim under the provisions of the 14th article of the treaty of 1830 are you? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I think they did.

Q What was the name of your ancestor or ancestors who were Choctaw Indians in Mississippi and recognized as such in 1830 at the time this treaty was entered into between the United States and the Choctaw tribe of Indians? A As far back as I know anything about the people, my great grand mother, her maiden name was Polly Foster.

Q Was she a resident of the state of Mississippi? A I suppose she was. I don't know.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I can't answer that question. I don't know.

Q Do you know anything about her Choctaw citizenship? A No sir.

Q Do you know anything about her residence in the state of Mississippi? A No sir.

Q Is she the party through whom you now claim this right to identification as a Mississippi Choctaw? A Yes sir, that is where our citizenship comes from.

Q Did Polly Foster or any other of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi their determination to remain and become citizens of the states within six months after the ratification of the treaty of 1830? A I can't answer that question. I don't know..

Q Where did she die? A I can't answer that question.

Q Do you know whether she ever moved from Mississippi or not?

A I don't know whether she did or not.

Q Do you know anything about her children? A My grand mother was one of her children.



Watson R. Cornish 3

Q What do you know about her? A She moved from Mississippi and come to Arkansas.

Q When? A I don't know when. Before I was born.

Q Do you know when she died? A My grand mother?

Q Yes sir. A No sir, I can't answer that question.

Q How long had she been in Arkansas before she died? A I can't answer it. a good long time. I don't know how long.

Q You state she died before you were born? A No sir, she moved from Mississippi before I was born.

Q How long before you were born? A I can't tell you.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A I couldn't answer that. I don't know.

Q State as fully as you can all you know of your ancestors residence in Mississippi and their compliance with the provisions of the fourteenth article of the treaty of 1830 as Choctaw Indians.

A My grand mother after she was married - her mother and father is about all the people that I have any record of, and after she was married she moved from Mississippi to Arkansas and I have a history of them from then on but that is about all. I don't know personally anything about those people back there.

Q How far back does this record that you state you have date? About what year? A I think it must be - back before 1830 I reckon. No about - I don't really know the date of it. Somewheres about then. It may be '33. I am not sure.

Q That shows that your people moved from Mississippi to Arkansas? A No sir, I don't reckon it does. I just have a record of those people that were back there and my grand father and grand mother, is all that I know of that ever come to Arkansas.

Q When did they come to Arkansas? A Before I was born.

Q How long before you were born? A It must have been a great many years.

Q About how many years? A I haven't the least idea.

Q Did you ever hear your father or mother say about what year?

A If I did I have forgotten.

Q Had they been in Arkansas twenty years? A Yes sir I think they had been there twenty years.

Q Do you make any claim by reason of any other treaty stipulation between the United States and the Choctaw Indians besides this fourteenth article? A No sir.

Q You claim your right as a Choctaw Indian solely upon the provisions of that article of that treaty? Do you? A Yes sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Josephine Cornish.

Q Are you making any claim for her? A No sir.

Q Is she a white woman? A Yes sir.

Q She never has made any claim to Indian citizenship by blood? A No sir.

Q When did you marry her? A The 27th day of March, 1888.

Q Where? A In the Chickasaw country.

Q Married under United States license? A Yes sir.

Q Have you your marriage license and certificate? A I haven't them with me.

Q It will be necessary for the Commission to be furnished with evidence of your marriage to your wife in the matter of the application for the identification of your minor children? A I can send it when I get home.

Q Permission is granted the applicant to file evidence of his marriage to Josephine Cornish within fifteen days from the date hereof. Have you any children? A Yes sir seven.

Q You wish to make application for them? A Yes sir.

Q They are under twenty one years of age and unmarried? A Yes sir.

Q What are their names and ages? A Ulah Cornish, a girl.

Q How old is she? A She was born January 29th, 1888.

Q 12 years old then? A Yes sir.

Watson R Cornish 4

- Q The next one? A Stella Cornish.  
Q How old is Stella? A Eight years old the 24th day of last October. Clellie Cornish.  
Q How old is She? A She was six years old the 16th day of November, this month.  
Q All right, sir. A Mattie Cornish.  
Q How old is Mattie? A Mattie was four years old the 5th day of Last January.  
Q The next one? A Myrtle and May Cornish, two twins.  
Q How old are they? A They are two years old today, the 26th day of November.  
Q Is that all? A No sir I have a little boy.  
Q What is his name? A Overton Cornish.  
Q How old is he? A Born August the 30th, this last August.  
Q About three months old then? A Yes sir.  
Q Is that all? A That is all.  
Q You are the father of these seven children? A Yes sir.  
Q Is Josephine Cornish the mother of all seven of them?  
A Yes sir.  
Q You and your wife live together? A Yes sir.  
Q These children have always resided with you? A Yes sir.  
Q You said something about these children being in Texas? A Yes sir, St. Joe, Texas.  
Q What are they doing there? A Going to school.  
Q How many of them? A Two of them. One of them is not well enough to go to school. She has been sick.  
Q Your three first children are in Texas are they? A Yes sir.  
Q. ~~No~~ For the purpose of making any residence are they? A No sir, my farming tools and furniture and more of my other stuff is in the Territory yet.  
Q Is there any additional statement that you desire to make in support of this application? A None that I know of.  
Q Any written evidence that you desire to offer the Commission for consideration in support of your application? A Yes sir.

There is offered in evidence the original application and petition of Watson R. Cornish, a certified copy of the deposition of A. Womack and A. P. Womack before the Choctaw Citizenship Committee October 14th, 1886 in the matter of the admission to citizenship in the Choctaw Nation of James M. Campbell et. al and the affidavit of Willis James, marked exhibit A, filed and made a part of the records in this case.

The decision of the Commission as to your application and the application you make on behalf of your seven minor children for identification as Mississippi Choctaws will be mailed to you in writing ~~to the Commission~~ to your present post-office address some time within the near future.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27th day of November, 1900.

*Myra Young*  
*Guy L. Emerson*  
Notary Public.

COPY.

M.C.R. 1076

Waskagee, Indian Territory, July 12, 1902.

Watson R. Cornish,

Cornish, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James R. Cornish, et al., embracing the following applications for identification as Mississippi Choctaws:

James R. Cornish,  
Ella S. Bower,  
Eliza A. Craig, et al.,  
Watson R. Cornish, et al.,  
Thomas J. Hagg,

M.C.R. 1077  
M.C.R. 1078  
M.C.R. 1079  
M.C.R. 1078  
M.C.R. 1076

These applications were made under the provisions of the act of Congress of June 26, 1900 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may examine witnesses, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of



W R O -----

James E. Cernish, Etta S. Boomer, Eliza A. Craig, Minnie M. Craig, Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cernish, Ulah Cernish, Stella Cernish, Clellie Cernish, Mattie Cernish, Myrtle Cernish, May Cernish, Overton Cernish, and Thomas J. Hogg, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tamc Birby*

Registered,

Acting Chairman.

COPY. V.O.B. 1075.

Muskogee, Indian Territory, December 5, 1902.

Watson R. Cornish,

Cornish, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian characters of the several persons included in the consolidated case of James R. Cornish, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

SIGNED

Acting Chairman.

M C R 1075

Muskegee, Indian Territory, July 24, 1906.

W. R. Cernish,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, requesting to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that your case is closed.

The Commission to the Five Civilized Tribes rendered a decision refusing your application July 12, 1902, and this decision was affirmed by the Secretary of the Interior November 22, 1902.

It does not appear that any further steps can now be taken in your case, as the time within which motions for rehearings in such Mississippi Choctaw cases could be filed, expired June 25, 1906.

Respectfully,

Commissioner.

MCR-1075.

Muskogee, Indian Territory, January 12, 1907.

W. R. Cornish,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant in which you request to be advised whether or not your Mississippi Choctaw case can be reopened.

In reply to your letter you are informed it appears that on November 22, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of July 12, 1902, refusing to identify you and your seven minor children as Mississippi Choctaws. Your case is now considered closed, and this office has no authority to reopen the same.

Respectfully,

Commissioner.

17151-1907

Muskogee, Oklahoma, December 7, 1907.

Mr. W. R. Cornish,  
Rush Springs, Oklahoma.

Sir:

Replying to your letter of November 26th you are advised that the original record in the consolidated Mississippi Choctaw case of James H. Cornish, et al., is on file in the office of the Commissioner of Indian Affairs, Washington, D. C. Therefore this office is unable to furnish you a certified copy of said record.

Respectfully,

Acting Commissioner.

McM

G. O. Number 10791-1900.

M. C. R 1075 Watson R. Cornish  
et al.

Watson R. Cornish, 46 years old,  
of Cornish, I.T. on November  
26, 1900, appeared before Com-  
mission at Muskogee and applied  
for the identification of him-  
self and seven minor children  
as Mississipp Choctaws. No  
judgment has been rendered.  
The affidavits are returned to  
you herewith.

January 4, 1901. Atoka, I.T.

AB

If it is your desire, in the  
future, that affidavits such as  
these and marriage certificates  
such as sent down today, be filed  
in this office at once, instead  
of returned to you with the  
memoranda and letters, please  
so advise and it will be done.

No. 1075

For Identification as a Mississippi Choctaw.

Date NOV 26 1900

Name Watson R. Cornish.

Age 46. Blood 1/16

Post Office, Cornish, Ind. Ter.

Father: John H. Cornish - dead.

Mother: Helen Cornish - dead.

Claims through father.

WIFE:

Josephine Cornish.  
(No claim for wife).

Children:

F	Gulah Cornish	12.
	Stella "	8.
	Ellie "	6.
	Mattie "	4.
TWINS	Myrtle "	2.
	May "	2.
	Overton "	3 mos.

FILED

NOV 26 1900

COMMISSIONER OF THE LANDS

Stenographer:  
Mysa Young



REFUSED

DECISION RENDERED JUL 12 1902

DECISION MAILED APPLICANT

JUL 12 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

DEC - 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

DEC - 5 1902

REFER TO M. C. R. 1077

Choc MCR 1076 Thomas J. Hegg

see MCR 1077

MCR 1076

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 26, 1900.

In the matter of the application of Thomas J. Hogg for identification as a Mississippi Choctaw. Thomas J. Hogg being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- What is your name? A Thomas J. Hogg.
- Q What is your age? A 41, the 29th of last October.
- Q What is your post-office address? A Newcastle, Indian Territory.
- Q Are you a resident of the Indian Territory? A Yes sir.
- Q How long have you resided here? A Well ever since the 27th - I have been in the Nation - in the Territory ever since the 27th of last June was a year ago.
- Q In the Choctaw and Chickasaw country all that time? A Yes sir.
- Q Where did you live before that? A I lived in Texas.
- Q How long did you live in Texas? A I lived in Texas up to the time I come to the Territory.
- Q Were you born in Texas? A Yes sir.
- Q Never lived in the state of Mississippi? A No sir, never lived there.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q What is your father's name? A James B. Hogg.
- Q Is your father living? A No sir, he's dead.
- Q What is your mother's name? A Her name was Elizabeth.
- Q Elizabeth Hogg? A Elizabeth Hogg, formerly Elizabeth Daniel before she was married.
- Q Is your mother dead? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q How long has your father been dead? A Ever since the war. He went to the Civil War and never did return/
- Q Was his name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Was he ever a recognized citizen of the Choctaw Nation in the Indian Territory? A No sir.
- Q Was he ever recognized by the Choctaw tribal authorities by any official act of their national Council as a citizen? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission, examined and the name of the applicant does not appear thereon.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in that Nation? A No sir, I haven't.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act as a citizen of the Choctaw Nation? A No sir, I haven't.

Thomas J. Hegg 2

Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications made to this Commission in 1896 for citizenship in the Choctaw Nation, examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir. I have not.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw?

A No sir.

Q This is your first application for Choctaw citizenship, of any description? A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Because I am a descendant of the Fosters.

Q Are you making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A Not that I know of positive..

Q What was the name of your ancestor or ancestors who were recognized members of the Choctaw Tribe of Indians in 1830 when the treaty was entered into between the United States and the Choctaw Indians? A None that I know of positive.

Q You state that you have lived in Texas all your life? A Yes sir.

Q How long did your father live there before you were born?

A I can't tell the time, the length of time.

Q About how long? A Well, he was there I suppose, 20 years-15 years I reckon before I was born, maybe more.

Q Where did he come from to Texas? A Arkansas.

Q Do you know how long he had been in Arkansas? A No sir.

Q Was he ever a resident of the state of Mississippi? A Not that I know of.

Q How old was he when he died? A I can't tell you.

Q About how old was he? A He was somewhere I suppose about 35 or 40.

Q He died during the war? A Yes sir.

Q What time of the war? After the war. He was on his way home.

Q About 1865? A Yes sir.

Q You stated that he never lived in Mississippi? A Not that I know of.

Q What were his parents names? A William Hogg and Jane Hogg was his mother, formerly Jane Burns.

Q Which one of your grand parents were Choctaw Indians? A My grand father.

Q What was his name? A His name was William Hogg.

Q Was he a Choctaw Indian in Mississippi? A I don't know whether he was in Mississippi, he was a descendant of Mississippi

Choctaw. He might have been there.

Q Do you know when he left Mississippi? A No sir.

Thomas J. Hogg 3

Q Do you know anything about his residence in Mississippi?

A No sir.

Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi, their intention to remain and become residents of the state of Mississippi in six months after the ratification of the treaty of 1830? A Not that I know of.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A If they did, I don't know anything of it.

Q Are you making your claim by reason of any other treaty stipulation between the United States and the Choctaw Indians?

A Not only the treaty of 1830.

Q You make your claim under the provisions of the 14th article of the treaty of 1830 alone? A Yes sir.

Q Are you married? A No sir.

Q Ever been married? A No sir.

Q Making this application solely on your own behalf? A Yes sir.

Q Is there any additional statement you desire to make in support of your application? A No sir, I don't believe there is.

Q Is there any written evidence you desire to offer the Commission for consideration in support of your application? A Yes sir.

There is offered in evidence the original application and petition of Thomas J. Hogg, and certified copy of the depositions of A. Womack and A. P. Womack before the Choctaw Citizenship Committee October 14th, 1886, in the matter of the admission to citizenship in the Choctaw Nation of James M. Campbell et. al and the certified copy of the affidavit of Willis James, marked exhibit A, filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 27th day of August, 1900.

Guy L. Emerson  
Notary Public.

Miss. Choctaw 1076

Muskogee, Indian Territory, April 10, 1902.

Thomas J. Hogg,

Norman, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 7, in which you ask what action has been taken in regard to your application for identification as a Mississippi Choctaw. You also advise of the change in your post office address.

In reply to your letter you are advised that no decision has been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached, you will be notified of the action of the commission. The change in your post office address has been made a matter of record.

Yours truly,

Commissioner in Charge.





Department of the Interior.  
Commission to the Five Civilised Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

313

RETURNED  
UNCLAIMED

233

172

Thomas J. Hogg,

~~Private~~

Forwarded  
Chickasha  
J. S.

Okmulgee



*Copy 13*

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1076

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1902.

Thomas J. Hogg,

Norman, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James H. Cornish, et al., embracing the following applications for identification as Mississippi Choctaws:

James H. Cornish,	M.C.R. 1077
Etta S. Boomer,	M.C.R. 1079
Eliza A. Craig, et al.,	M.C.R. 1078
Watson R. Cornish, et al.,	M.C.R. 1075
Thomas J. Hogg,	M.C.R. 1076

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the iden-

T J H -----2

tity of James H. Cornish, Etta S. Boomer, Eliza A. Craig, Minnie M. Craig, Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cornish, Ulah Cornish, Stella Cornish, Clellie Cornish, Mattie Cornish, Myrtle Cornish, May Cornish, Overton Cornish, and Thomas J. Hogg, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

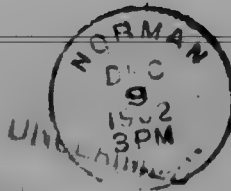


Acting Chairman.

Department of the Interior  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

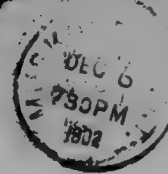
Penalty for private use, \$300.



Returned to writer.

Thomas J. Hogg,

Norman, Okla.





1076  
File



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES.  
**FILED**  
DEC 10 1902

  
ACTING CHAIRMAN.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-100 CB.  
REFER IN REPLY TO THE FOLLOWING

M.C.R. 1076.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 5, 1902.

Thomas J. Hogg,

Norman, Oklahoma Territory.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James H. Cornish, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,



Acting Chairman.

No. 1076

For Identification as a Mississippi Choctaw.

Date **NOV 26 1900**

Name *Thomas J. Hogg.*

Age *41.*

Blood *1/16*

Post Office, *Newcastle, S. D.*

Father: *James B. Hogg - dead.*

Mother: *Elizabeth Hogg - dead.*

Claims through *father.*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
**NOV 26 1900**



ACTING CHAIRMAN.

Stenographer.  
*Nlyra Young.*

Thomas J. Hogg

REFUSED

DECISION RENDERED

JUL 12 1902

NOTICE OF DECISION MAILED APPLICANT

JUL 12 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT.

JUL 12 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

DEC - 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

DEC - 5 1902

REFER TO M. C. R. 1077

W. H. L. or P. O. Norman Q. J.



Choc mCR 1077 James H. Cornish

see mCR 1079-1078-1075-1076

mCR 1077

CHOCTAW  
*James H. Garnish*

**REFUSED**

DECISION RENDERED

100 2 1902

NOTICE OF DECISION MAILED APPLICANT.

100 2 1902

NOTICE OF DECISION MAILED  
FOR CHOCTAW AND CHICKASAW NATIONS.

102

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

DEC - 1 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

DEC - 1902

REFER TO M. C. R. 1079. 1078.  
1075. 1076.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 26, 1900.

In the matter of the application of James H. Cornish, for identification as a Mississippi Choctaw. James H. Cornish being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A James H. Cornish.
- Q What is your age? A I am 65 if I live to see the 19th of coming June.
- Q What is your post-office address? A New Lewisville, Arkansas.
- Q Are you a resident of the state of Arkansas? A Yes sir.
- Q How long have you resided there? A Arkansas has been my home quite a little while, sir.
- Q About how long? A I expect at least fifty years.
- Q For fifty years you have resided in the state of Arkansas? A Yes sir.
- Q Where did you come from to Arkansas? A From Alabama.
- Q How long did you live in Alabama? A I suppose four or five years? I moved from Alabama to Florida and from Florida to Alabama, from Alabama to Mississippi and from Mississippi to Arkansas.
- Q You were born in Alabama? A No sir, born in Arkansas.
- Q You were born in Arkansas? A Yes sir.
- Q And moved from there to Alabama? A Yes sir.
- Q You removed from Alabama to Mississippi? A Yes sir.
- Q What part of Mississippi? A Jackson, Mississippi.
- Q How long did you stay there? A I can't remember.
- Q About how long. A I can't recollect. I was so small.
- Q After that you went to Florida? A Yes sir.
- Q And came back to Alabama? A Yes sir, all I recollect about that is what I have heard my parents say.
- Q And then you came to Arkansas? A Yes sir.
- Q That is 50 years ago? A Over fifty years ago.
- Q And have maintained a continuous residence in Arkansas since that time? A Yes sir.
- Q You never maintained a residence in either the state of Mississippi or the Indian Territory? A No sir.
- Q How much Choctaw blood do you claim? A My grand mother was Indian.
- Q How much do you claim? A My grand mother was Foster.
- Q We would like to have you tell us about how much Choctaw blood you claim? A About one eighth.
- Q What was your father's name? A William Cornish.
- Q Is your father living? A No sir.
- Q What is your mother's name? A Sarah Cornish.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How long has your mother been dead? A She died in 1872 I believe.
- Q Was she ever recognized by the Choctaw tribal authorities during her life time as a citizen of the Choctaw Nation? A No sir.
- Q Is her name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A If it is, it is not by my consent or knowledge. I

James H. *Gunnish*  
Thammasat. Page 2

suppose it is not on there.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever maintained a residence in the Choctaw Nation in the Indian Territory? A No sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A There is no one made application that I know of. At that time there was some parties living at Caddo wrote me I would perhaps have a right and wanted me to make application but I did not make it. I thought the evidence was so remote that I would not make application.

Q You did not make application in 1896? A No sir, they wrote me and wanted me to make application and it took so much money and I didn't furnish any money and didn't do it.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896, examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of United States Court examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir. None.

Q This is the first application of any description you have ever made for citizenship in the Choctaw Nation? A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw land under the provisions of the 14th article of the treaty of 1830? A By reason that I know that those living in Mississippi could retain their lands there or take up their lands in Mississippi if they wanted to.

Q What is your understanding of the 14th article of the treaty of 1830? A The Mississippi Choctaws, my understanding of the law, the 14th section of 1830, the treaty of 1830, gives those Mississippi Indians the right to live in Mississippi and take up their land, claim land and afterwards if they disposed of it to give them the right to citizenship in the Choctaw Nation also if they claimed it. That is the way I understand it.

Q You are making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A Only as far as -- I couldn't swear that they did. Only that I have heard them speak of lands in Mississippi. They used to visit us in Arkansas.

Q What was the name of your ancestor or ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 at the time this treaty was entered into between the United States and the Choctaw Indians? A Their name was Foster.

Q What was the full given name? A My grand mother's name was Polly Foster, and James Foster.

James H. Cornish 3

- Q Were they both Choctaw Indians? A Yes sir.
- Q Have you evidence of that fact? A None that I know of.  
No definite evidence of that.
- Q What do you know of their residence in Mississippi after the ratification of the treaty of 1830? A Nothing more only when they would visit my father and mother I would hear them talking of their home in Mississippi and they would stay awhile with us and go back.
- Q You claim your rights through your mother? A Yes sir.
- Q She was a resident of the state of Arkansas fifty years ago? A Yes sir.
- Q What do you know of her residence 25 years prior to that time? A She never reported it to me.
- Q Did she reside in the state of Mississippi? A Yes sir.
- Q As a member of the Choctaw tribe? A Not as I know of.
- Q Where did she live in Mississippi? A Near Jackson. I have heard her speak often of going to Jackson.
- Q Did any of your ancestors signify to the United States Indian Agent in Mississippi their intention to remain and become citizens of the state of Mississippi within six months after the ratification of the treaty of 1830? A Not that I know of.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Not that I know of.
- Q Are you making any claim by reason of any other treaty stipulation between the United States and the Choctaw tribe of Indians? A No sir.
- Q You base your claim solely on the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Making any claim for her? A No sir.
- Q Have you any children under twenty one years of age and unmarried? A No sir.
- Q You are making this application solely on your own behalf? A Yes sir.
- Q Is there any additional statement you desire to make in support of your application. A Nothing. No other additional statement.
- Q Is there any written evidence you desire to submit to the Commission for consideration in support of your application? A Yes sir.

There is offered in evidence the original application and petition of James H. Cornish, and the certified copies of the depositions of A. Wemack and A. P. Wemack before the Choctaw Citizenship Committee October 14th, 1896, in the matter of the admission to citizenship in the Choctaw Nation of James M. Campbell et. al and the certified copy of the affidavit of Willis James, marked exhibit A, filed and made a part of the record in this case.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27th day of November, 1900.

*Myra Young*  
*Guy L. V. Emerson*  
Notary Public

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of James H. Cornish, et al., for identification as Mississippi Cheetaws, consolidating the applications of-

James H. Cornish	M.C.R. 1077
Etta S. Boomer	" 1078
Eliza A. Craig, et al	" 1078
Watson R. Cornish, et al	" 1078
Thomas J. Hogg	" 1078

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of James H. Cornish, et al.

(Page)

Original application of James H. Cornish before the Dawes Commission for identification as a Mississippi Cheetaw .....	1
Petition of James H. Cornish .....	4
Certified copy of deposition of A. Wornack .....	8
Certified copy of affidavit of A.P. Wornack .....	11
Certified copy of affidavit of William James .....	13
Original application of Etta S. Boomer before the Dawes Commission for identification as a Mississippi Cheetaw .....	14
Petition of Etta Boomer .....	17
Certified copy of deposition of A. Wornack .....	21
Certified copy of affidavit of A.P. Wornack .....	24



Certified copy of affidavit of Willis James .....	26
Certified copy of marriage certificate of James H. Cornish and Martha C. Lester .....	27
Original application of Eliza A. Craig, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	28
Petition of Eliza A. Craig .....	31
Certified copy of deposition of A. Wernack .....	35
Certified copy of affidavit of A.P.Wernack .....	38
Original application of Watson R. Cornish, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	41
Petition of Watson R. Cornish .....	45
Certified copy of deposition of A. Wernack .....	49
Certified copy of affidavit of, A.P.Wernack .....	52
Affidavit of Willis James .....	54
Certified copy of deposition of A. Wernack .....	55
Certified copy of affidavit of A.P.Wernack .....	58
Certified copy of marriage license of W.R.Cornish and Josephine Ferman .....	59
Original application of Thomas J. Hogg before the Dawes Commission for identification as a Mississippi Choctaw .....	60
Petition of Thomas J. Hogg .....	63
Certified copy of deposition of A. Wernack .....	67
Certified copy of affidavit of A. P. Wernack .....	70
Certified copy of affidavit of Willis James .....	72
Decision of the Commission denying the application of James H. Cornish, et al., for identification as Mississippi Choctaws .....	73



J.F.H.  
C.R.B.  
C.S.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James H. Cornish, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

James H. Cornish	M.C.R. 1077
Etta S. Deemer	" 1078
Eliza A. Craig, et al	" 1078
Watson R. Cornish, et al	" 1078
Thomas J. Hogg	" 1078

--: D E C I S I O N :--

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by James H. Cornish for himself; by Etta S. Deemer for herself;  
by Eliza A. Craig for herself and her four minor children, Minnie M.,  
Ollie I., John L., and Albert B. Craig; by Watson R. Cornish for  
himself and his seven minor children, Ulah, Stella, Ollie, Mattie,  
Myrtle, May and Overton Cornish, and by Thomas J. Hogg for himself,  
under the following provision of the act of Congress approved June  
28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands

(2)

under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Maglusher, an alleged Choctaw woman, degree of blood not given.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

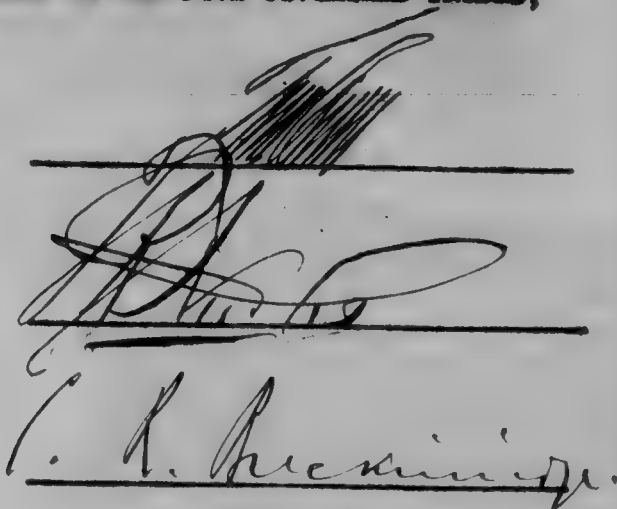
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Maglusher, or any less remote ancestor of the applicants herein, or any of said applicants, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to

(3)

either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James H. Cornish, Etta S. Booser, Eliza A. Craig, Minnie M. Craig, Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cornish, Ulah Cornish, Stella Cornish, Clellie Cornish, Mattie Cornish, Myrtle Cornish, May Cornish, Overtex Cornish, and Thomas J. Hogg, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

The block contains three handwritten signatures, each written over a horizontal line. The signatures are in cursive and appear to be of the commissioners mentioned in the text below.

Commissioners.

Muskogee, Indian Territory,

JUL 12 1902

mc  
1071

James H Cornish 65 1/8  
Delia Lester, living

Dora Cornish ?  
Jo. Da Cornish  
Etta Cornish, 18 7/16  
Herbert Boomer

George W Cornish ?

Thomas J. Cornish ?

Sarah Hogg, dead  
married  
William Cornish, dead

Mary Jane Cornish L  
married  
Leander Davis, L

William Therman Davis ?  
Columbus A. Davis ?  
Nancy F. Davis ?  
Nora W. Davis ?  
Eliza A Davis, 39 1/16  
John W Craig, w

mc  
1078  
Minnie M Craig, 18  
Ollie J. Craig, 14  
John L Craig, 12  
Albert B Craig, 5

Polly Foster, ?  
married  
John Hogg, ?

John H Cornish, dead  
married  
Helen Reed, dead

William L Cornish  
Watson R Cornish, 46 1/16  
married  
Josephine Foreman w  
John H Cornish ?  
Lillie Cornish ?  
Helen Cornish ?  
Ida Cornish ?

mc  
1075  
Mabel Cornish, 12  
Stella Cornish, 8  
Clellie Cornish, 6  
Mathie Cornish, 4  
Myrtle Cornish, 2  
Mary Cornish, 2  
Overton Cornish, 8m.

Maglusker, Chortan, dead  
married  
Moses Foster, W. Dead

William Hogg ?  
married  
James Burns ?

James B. Hogg, dead  
married  
Elizabeth Daniels, dead

mc  
1076  
Thomas J. Hogg 41 1/16

Hugh Foster, dead

Martha Foster, dead  
married  
John H. Mincham w

cho  
2589  
George Mincham 37 1/8  
married  
Sarah Smith, J. W.  
cho  
2588  
Walter Mincham, 28 1/8  
married  
Myrtle Parish, 26 1/8

cho  
2589  
Eva Mincham, 4  
George Mincham, 2  
Lorena Mincham, 7m  
cho  
2588  
Henry Mincham, 7  
John Mincham, 3  
Mary M Mincham, 3m.

cho  
3922  
Wade H Mc Lellan, 48 1/8

cho  
3922  
Joseph M. Mc Lellan, 19  
John F. Mc Lellan, 17  
Hattie Mc Lellan, 15  
Abner D Mc Lellan, 13

Polly Foster, 2  
married  
John Hogg, 1

Meghader, Chortan, dead  
married  
Moses Foster, W. Dead

William Hogg, 1  
married  
James Burns, 1

John H. Cornish, dead  
married  
Helen Reed, dead

MCR 1078  
Eliza A Davis, 39, 1/16  
married  
John W. Craig, W

Allie J. Craig, 14  
John L. Craig, 12  
Albert B. Craig, 5

William L. Cornish  
Watson R. Cornish, 46, 1/16  
married

MCR 1075  
Mabel Cornish, 12  
Stella Cornish, 8  
Clattie Cornish, 6  
Matthe Cornish, 4  
Myrtle Cornish, 2  
Mary Cornish, 2  
Overton Cornish, 3m.

Josephine Foreman, W

John H. Cornish, 1  
Sallie Cornish, 2  
Helen Cornish, 2  
Ida Cornish, 1

James B. Hogg, dead  
married  
Elizabeth Daniels, dead

MCR 1076  
Thomas J. Hogg, 41, 1/16

Hugh Foster, dead  
Martha Foster, dead  
married  
John H. Mincham, W

Chor. 2589  
George Mincham, 37, 1/8  
married  
Sarah Smith, J. W.  
Chor. 2588  
Walter Mincham, 28, 1/8  
married  
Myrtle Parish, 26, 1/8

Chor. 2589  
Eva Mincham, 4  
George Mincham, 2  
Lorena Mincham, 7m.  
Chor. 2588  
Henry Mincham, 7  
John Mincham, 3  
Mary M. Mincham, 3m.

James Foster, dead  
wife  
Millie Foster, W. dead

Dorothy Foster, dead  
married  
Frank McLellan, dead

Chor. 3917  
Wade H. McLellan, 48, 1/8  
married  
Kittie Blocker, J. W.  
Chor. 3917  
James A. McLellan, 46, 1/8  
wife  
Polly McLellan, dead  
Melissa McLellan, dead  
Mary E. A. McLellan, J. W.

Chor. 3917  
Joseph M. McLellan, 19  
John H. McLellan, 17  
Hattie McLellan, 15  
Abner D. McLellan, 13  
Adeline McLellan, 9  
Dolly McLellan, 6  
Wade McLellan, 6  
Monroe McLellan, 2

Chor. 3919  
Samuel J. McLellan, 44, 1/8  
married  
Sarah Buck, J. W.

Chor. 3917  
John F. McLellan, 22  
James C. McLellan, 17  
Robert D. McLellan, 4  
Leri McLellan, 2  
Oma McLellan, 21, 1/16  
married  
Edmund McLellan, 18  
Mary McLellan, 16  
S. E. Dickey, W  
Samuel McLellan, 14  
Ollie McLellan, 12  
George McLellan, 7  
Susan McLellan, 5  
Orville D. McLellan, 5m.

Chor. 3919  
Ernest G. Dickey, 2m. 10. 1/2

XX Admitted by James Com.  
# Chor. Council in 1888  
S H. S. Court

Chor. 3919  
Abner D. McLellan, dead  
married  
Susan E. Blocker, J. W.

Chor. 3919  
Franklin B. McLellan, 6, 1/16  
Abner D. McLellan, 4, 1/16



Madison Foster ?

James Foster ?

Maglusher, Chortaw dead  
married  
Moses Foster (white) dead

James Foster dead  
wife (continued)  
Millie Foster, w. dead

Ellen Foster, dead  
married  
Lee J. Campbell, dead

Chor  
James M Campbell, 51, 1/8  
wife  
Susan Francis Campbell, 2 W.

Chor  
Jane Campbell, 43, 1/8  
married  
Joseph Kirkendall, 47, 3 W.

Chor  
Abraham F. Campbell 50, 1/8  
wife  
O Mollie Campbell, dead  
Lucy Campbell, 3 W.

Chor  
Anne C. Campbell, 30, 1/2  
married  
William M Jones w.

Chor  
James Lee Campbell 27, 1/2  
married  
Katie Denning, 3 W.

Chor  
Ellen Campbell, 26, 1/2  
married  
James Edward White 3 W.

Chor  
Charles R Campbell, 24  
wife  
Susan J. Campbell w.

Chor  
Thomas A Campbell 22, 1/2  
wife  
Sarah A. Campbell w.

Chor  
Mollie Campbell, 21, 1/2  
married  
Miles Bedingfield w.

Chor  
Maggie Campbell, 18, 1/2  
married  
Frank H Jones, w.

Chor  
Samuel S. Campbell 15  
Minnie Campbell, 12  
William Campbell, 10  
Dillard Campbell, 6

Chor  
Mary Ella Kirkendall, 18, 1/2  
Jolly J. Jones w.

Chor  
Rhoda M Kirkendall, 17, 1/2  
Paul Edgar w.

Chor  
James Henry Kirkendall 16  
Willie Inez Kirkendall 13  
Ada Lee Kirkendall 11  
Sarah Amanda Kirkendall 9  
William Edward Kirkendall 6

Chor  
Lula E Campbell, 11, 2/4  
married  
J. J. Huggins, w  
William Campbell, 17  
Annie Campbell, 6 m

Chor  
Mabel Jones 15  
May Jones, 15  
Leonard H Jones, 19 m

Chor  
Charlie G. M Campbell 5  
Henry L. S. Campbell, 3  
Irene Campbell 1  
Eva Francis Campbell 6 W

Chor  
James Edward White 11  
Katie White 7  
Esther White 3 days

Chor  
Annie D Campbell, 3  
John M Campbell, 2  
Agnes Campbell, 3 m  
Chas. Carroll Campbell 4 m

Chor  
James A Campbell 21  
Samuel Augustus Campbell 10 m  
May Dean Campbell, 8 m

Chor  
Mary H. Bedingfield, 4  
Olyde Bedingfield, 3  
Ruthie Bedingfield 25  
Laura M Bedingfield 8 m  
Claude A Bedingfield 6 m

Chor  
Ernest E Jones, 1/32 2

Chor  
Mabel Jones, 3  
Henry Wilson Jones, 1 1/2  
Ellen Jones 4 m  
Liddy Josephine Jones 5 m

Chor  
Ernest Edg. 1  
Sarah Elsie Edg. 7 m

Chor  
Ollie Huggins, 7  
Oscar Huggins, 5  
Oliver Huggins, 4 m

Chor  
William H Paddock, 5

Maglusher, Chortaw, dead

married

Moses Foster (white) dead

James Foster dead  
wife (continued)  
Mittie Foster, w. dead

Ellen Foster, dead

married

Lee J. Campbell, dead

chor  
3-101

Jane Campbell, 43 1/2

married

Joseph Kirkendall, 47 1/2 w

chor  
3-87

Ephebra F. Campbell 50 1/2

wife

O Mollie Campbell, dead  
O Lucy Campbell, 3 w.

Eliza Campbell, dead

married

Reuben Paddock, dead

Susan Francis Campbell, 10

Thomas A Campbell 22 1/2

wife

Sarah A. Campbell w.

cho.

Mollie Campbell, 21 1/2

married

Wiles Bedingfield w.

cho.

Maggie Campbell, 18 1/2

married

Frank H Jones, w.

cho.

Samuel S. Campbell 15

cho.

Minnie Campbell, 12

cho.

William Campbell, 10

cho.

Dillard Campbell, 6

chor

3-102

Mary Ellen Kirkendall, 18 1/2

cho.

3-103

Jolly J. Jones w

chor

3-104

Rhoda M. Kirkendall, 17 1/2

cho.

3-105

Paul Edgar w

chor

3-106

James Henry Kirkendall 16

cho.

3-107

Willie Inez Kirkendall 13

cho.

3-108

Ada Lee Kirkendall 11

cho.

3-109

Sarah Amanda Kirkendall 9

cho.

3-110

William Edward Kirkendall 6

chor

3-111

Lula E. Campbell, 11 1/2, 24

chor

3-112

J. J. Huggins, w

chor

3-113

William Campbell, 17

chor

3-114

Annie Campbell, 6 m

chor

3-115

James L. Paddock, 26 1/2

chor

3-116

Venia Templeton, 3 w.

chor

3-117

William A. Paddock, 24

chor

3-118

Mollie Templeton 1 w

chor

3-119

Reuben W. Paddock, 21 1/2

chor

3-120

John S. Paddock, 14 1/2

chor

3-121

Eliza E. Paddock, 14 1/2

chor

3-122

George Simmons, w

chor

3-123

Annie E. Paddock

chor

3-124

James A. Campbell 21

Samuel Augustus Campbell 10 m

May Dean Campbell 8 m

Mary F. Bedingfield, 4

Olyde Bedingfield, 3

Ruthie Bedingfield 21

Laura M. Bedingfield 8 m

Claude A. Bedingfield 15 m

Ernest E. Jones, 13 1/2

Mabel Jones, 3

Henry Wilson Jones, 1 1/2

Ellen Jones 4 m

Liddy Josephine Jones 5 m

Ernest Edgar 1

Sarah Ellen Edgar 7 m

Ollie Huggins, 7

Oscar Huggins, 5

Oliver Huggins, 4 m

William H. Paddock, 5

Jose Paddock, 4

Rosa L. Paddock 3

Johnie R. Paddock 6 m

Claude Paddock 2 m

Lydia Paddock 3

Florence Paddock 21

Minnie May Simmons, 7 m

XX - Administered by Deveres Court  
# - " " Choc. Council in 1888  
O - " " U. S. Court.



# CREEK NATION. FREEDM

TRIBAL ENROLLMENT

Town

No.

SLAVE OF

FATHER

NAME

FATHER'S TRIBAL ENR

DATE YEAR

Town

*Consolidated*  
*Case of*  
*James H Corrish*  
*et al,*

REFER TO M. C. R. 1077

Maglusker, Choctaw 2  
married  
Moses Foster, w. d.

James Foster, Dead  
wife  
Millie Foster, Dead

cho 43 #  
Ephraim Foster, 67, 1/4  
wife  
Amanda Foster, Dead

James Foster, Dead  
wife  
Edna Foster, Dead

S. D. Foster, Dead  
married  
Mattie Pierson, L. W.

Matilda Ann Caldwell, Foster  
married

Wade Mardis w. Dead  
William Albert Paul J. W.

cho 20 #  
W. F. Foster, 42, 1/4  
cho 22 # wife  
Mary O. Foster J. W.

cho 27 #  
John Abe Foster, 40, 1/8  
wife #  
Minnie B Foster, J. W.

cho 27 #  
Mollie E. Foster, 32, 1/8  
married  
William Franklin Williams J. W.

cho 29 #  
Alice Foster, 29, 1/8  
married #  
John F. Thomas, J. W.

cho 27 #  
Anna F. Foster, 27, 1/8  
married  
Reynolds, J.  
B. F. Henley, W.

cho 25 #  
Ma M. Foster, 25, 1/8  
married  
Robert Lee Park, J. W.

cho 22 #  
Lulu Foster, 14  
married  
James Hallmark W

cho 21 #  
Samuel Foster, 23 1/4  
cho 21 #  
William Foster, 21, 1/16

cho 23 #  
Wade Mardis, 23, 1/4  
married  
W. G. Euloe, W

cho 18 #  
Belle Paul, 18 1/4  
married  
Bert Isbell W

cho 16 #  
Ludie Paul, 16, 1/4  
married  
Lee Marshall

cho 14 #  
Della Paul, 14  
cho 12 #  
Claude Paul, 12

cho 18 #  
John A. Foster, 18  
cho 16 #  
Robt E. Foster, 16  
cho 10 #  
Maudie Foster, 10  
cho 6 #  
Claude F. Foster, 6  
cho 3 #  
James O. Foster, 3  
cho 1 1/2 #  
Ida O. Foster, 1 1/2  
cho 1 1/2 #  
Martin F. Foster, 1 1/2  
cho 1 1/2 #  
Earl Clyde Foster, 1 1/2

cho 16 #  
William Thomas Foster, 16  
cho 16 # wife  
Mattie B Foster, W  
cho 7 #  
John Wesley Foster, 7

cho 14 #  
Lulu Williams, 14  
cho 12 #  
Ollie Williams, 12  
cho 10 #  
Ethel Williams, 10  
cho 10 #  
Lottie Williams, 10

cho 12 #  
Jesse W. Thomas, 12  
cho 10 #  
Ethel Thomas, 10

cho 4 m  
Frank Henley, 4 m

cho 4 #  
Edgar Lee Park, 4  
cho 2 #  
Mary Blanche Park, 2

cho 4 m  
Erwin A. Hallmark, 4 m

cho 1 w  
Maye Euloe, 1 w

cho 2 w  
Charles George Isbell, 2 w

cho 4 m  
William M. Isbell, 4 m

cho 6 w  
Eva May Foster, 6 w

Maglusker Chocataw 2  
 married  
 Moses Foster, w. D.

James Foster, dead  
 wife  
 Millie Foster, dead

Ephraim Foster, 67, 1/4  
 wife  
 Amanda Foster, dead

Moses Foster 2  
 William Foster 2  
 Allen Foster 2  
 Hough Foster 2  
 Betsy Foster 2  
 married  
 Jacobs 2

William Jacobs 2  
 John Jacobs 2  
 Lewis Jacobs 2

XX admitted by Deacons Com  
 # " " Choc. Council in 1888  
 & " " H. of Court

Olwade mardus w sons  
 William Albert Paul 1 W

Ludie Paul, 16, 1/16  
 married  
 Lee Marshall  
 Delia Paul, 14  
 Claude Paul, 12

William Marshall 11 m

W. F. Foster, 42, 1/4  
 wife  
 Mary O. Foster 2 W

John A. Foster, 18  
 Robt E. Foster, 16  
 Maude Foster, 10  
 Claude A. Foster, 6  
 James A. Foster, 3  
 Ida O. Foster, 1  
 Martin J. Foster 11 m  
 Earl Clydoptab 11 m

John Abe Foster, 40, 1/8  
 wife  
 Minnie B Foster, 2 W

William Thomas Foster, 16  
 wife  
 Mattie B Foster, w  
 John Wesley Foster, 7

Eva May Foster 6 wks

Mollie E. Foster, 32, 1/8  
 married  
 William Franklin Williams 1 W

Lula Williams, 14  
 Ollie Williams, 12  
 Ethel Williams, 10  
 Lottie Williams, 8

Alice Foster, 29, 1/2  
 married  
 John J. Thomas, 1 W

Jesse W Thomas, 12  
 Ethel Thomas 10

Anna F. Foster, 27, 1/8  
 married  
 Reynolds, 2  
 B. F. Henley, w.

Frank Henley 4 m

Ma M. Foster, 25, 1/8  
 married  
 Robert Lee Park, 1 W.

Ledger Lee Park, 4  
 Mary Blanche Park, 2

E. A. Foster, 24, 1/8  
 married  
 Ella Armstrong, 1 W.

Roy Foster 3  
 Dewey F. Foster 1  
 Ruth Adella Foster, 6 m.

COPY.

M.C.R. 1077

Muskogee, Indian Territory, July 12, 1902.

Messrs. Mansfield, McKurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James H. Cernish, et al., embracing the following applications for identification as Mississippi Choctaws:

James H. Cernish,	M.C.R. 1077
Etta S. Becker,	M.C.R. 1079
Elina A. Craig, et al.,	M.C.R. 1078
Watson R. Cernish, et al.,	M.C.R. 1075
Thomas J. Hogg,	M.C.R. 1076

These applications were made under the provisions of the Act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M N & O -----2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James H. Cornish, Etta S. Doomer, Eliza A. Craig, Minnie M. Craig, Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cornish, Ulah Cornish, Stella Cornish, Clellie Cornish, Mattie Cornish, Myrtle Cornish, May Cornish, Overton Cornish, and Thomas J. Hegg, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered.

*James Birney*

Acting Chairman.

COPY.

M.C.R. 1077

Muskogee, Indian Territory, July 12, 1902.

James H. Cernish,

New Louisville, Arkansas.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James H. Cernish, et al., embracing the following applications for identification as Mississippi Choctaws:

James H. Cernish,	M.C.R. 1077
Etta S. Deemer,	M.C.R. 1079
Eliza A. Craig, et al.,	M.C.R. 1078
Watson R. Cernish, et al.,	M.C.R. 1078
Thomas J. Hogg,	M.C.R. 1076

These applications were made under the provisions of the act of Congress of June 20, 1900 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

J I 5 -----

James E. Cornish, Edna S. Deemer, Ellen A. Craig, Minnie E. Craig, Edna I. Craig, John L. Craig, Albert S. Craig, Wilson E. Cornish, Vick Cornish, Stella Cornish, Corliss Cornish, Nettie Cornish, Myrtle Cornish, May Cornish, Overton Cornish, and Thomas J. Hagg, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Jams Bixby.

Acting Chairman.

Registered,



COPY.  
COPY.

M.C.R. 1077

Muskogee, Indian Territory, July 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James H. Cernish, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of the 12th day of July, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

James H. Cernish,	M.C.R. 1077
Etta S. Becker,	M.C.R. 1079
Eliza A. Craig, et al.,	M.C.R. 1078
Watson R. Cernish, et al.,	M.C.R. 1078
Thomas J. Hogg,	M.C.R. 1076

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Through the  
Commissioner of Indian Affairs.  
1 enclosure.

*James B. Bly*  
Acting Chairman.

(COPY)

Land,  
41,699-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Nov. 6, 1902.

The Honorable,

~~The Secretary of the Interior.~~

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of James H. Cornish, et al., for identification as Mississippi Choctaws, under which head there are consolidated the following applications for identification as Mississippi Choctaws:

James H. Cornish.

Etta S. Beemer.

Eliza A. Craig, et al.,

Watson R. Cornish, et al.

Thomas J. Hogg.

The testimony in this case shows that the parties to these various applications claim their rights to recognition as Mississippi Choctaws on their descent from one Maglusher, a Choctaw woman who was the wife of Moses Foster.

On July 18, 1902, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicants on the ground that it does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of

the commission relating to the persons who complied or attempted to comply with the provisions of said article 14 of the treaty of 1830 and to the persons who heretofore were claimants thereunder, that said Maglunher or any less remote ancestor of the applicants herein, or any of such applicants, signified in person or by proxy to Col. William Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article 14 or presented claims to rights thereunder to either of the commissions authorized to adjudicate such claims.

There was a Moses Foster a member of the Choctaw tribe of Indians in Mississippi in 1830 who was specially provided for in article 2 of the supplemental treaty between the Choctaw Indians and the United States dated September 28, 1830, which provided that he should receive one section of land. He claimed section 25, township 18, range 1 west, in Mississippi, evidently under this provision of the supplemental treaty. Subsequently he sold this reservation to one Charles Land. This is the only Moses Foster whose name appears in connection with the Choctaw treaty of 1830, and the name of his wife, Maglunher, does not appear at all among the names of persons who claimed or received benefits under the 14th article or any other article of the treaty of 1830.

It is evident to my mind that the Moses Foster under whom the applicants named in this case claim the right to identification, was the Moses Foster just referred to. He having been a special beneficiary under the supplemental treaty and not an applicant under the 14th article of the treaty of 1830, his descendants are not

entitled to identification under present legislation as Mississippi  
Chaplains, and I am convinced that the judgment of the commission re-  
specting the applicants in the various cases involved in this report  
is correct.

I therefore recommend that the judgment of the commission  
respecting for identification the following persons, be approved:  
John R. Cernish, Rita S. Boomer, Eliza A. Craig, Minnie M. Craig,  
Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cernish,  
Wiah Cernish, Stella Cernish, Ocellis Cernish, Mattie Cernish,  
Myrtle Cernish, May Cernish, Overton Cernish and Thomas J. Hogg.

Very respectfully,

Your obedient servant,

W. A. Jones,  
Commissioner.

(R.B.H.)

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

D.C. 22727-1902  
I.T.D. 6901-1902.  
File 896-1898,  
LRS.

November 22, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

July 12, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of James H. Cornish for himself; of Etta S. Boomer for herself; of Eliza A. Craig for herself and her four minor children; Minnie M., Ollie I., John L., and Albert B. Craig; of Watson R. Cornish for himself and his seven minor children, Ulah, Stella, Clellie, Mattie, Myrtle, May and Overton Cornish; and of Thomas J. Hogg for himself, (M C R 1077), including your decision of said date, which was adverse to the applicants.

It seems that one Moses Foster was living in Copiah county Mississippi, about the year 1830, and that he married a Choctaw woman named Maglusher. They had a daughter named Polly, who married a man named Hogg. Of this union, were born two children, Sarah and William. Sarah married a man named Cornish. These applicants are the descendants of the said children of Polly Foster.

Claiming identification as Mississippi Choctaws, it was incumbent upon the claimants to show that they or some one of their alleged ancestors, in person or by proxy, complied or attempted to comply, with the provisions of the 14th article of the treaty of September 27, 1830, or the acts of March 3, 1837(5 Stat., 180), and August 23, 1842(5 Stat., 513), relating thereto. This they have failed to do. From the records in your possession it appears that



ne person bearing the name of any of the alleged ancestors was, or was entitled to be, a beneficiary under said article or acts.

In his report of November 6, 1902, the Commissioner of Indian Affairs stated that

"There was a Moses Foster a member of the Choctaw tribe of Indians in Mississippi in 1830 who was specially provided for in article 2 of the supplemental treaty between the Choctaw Indians and the United States dated September 28, 1830, which provided that he should receive one section of land. He claimed section 25, township 16, range 1 west, in Mississippi, evidently under this provision of the supplemental treaty. Subsequently he sold this reservation to one Charles Land. This is the only Moses Foster whose name appears in connection with the Choctaw treaty of 1830, and the name of his wife, Maglusher, does not appear at all among the names of persons who claimed or received benefits under the 14th article or any other article of the treaty of 1830."

It is not certain whether the Moses Foster referred to in said letter is identical with the alleged ancestor of that name. However, even though such were the case, it could avail these applicants nothing in support of their claim, in as much as the taking of land under article 2 of the supplemental treaty of 1830 would not constitute a compliance with article 14 of the same, and hence could not support a claim depending upon the latter. In view of the facts and circumstances recited above, it cannot be held that these applicants have established their claim for identification as Mississippi Choctaws.

The Commissioner of Indian Affairs in said report, recommended that your action be approved. The Department concurs therein and your decision is accordingly affirmed. You will inform the principal applicants that this decision is subject to their inspection. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

COPY

M.O.R. 1077.

Muskogee, Indian Territory, December 5, 1902.

James H. Cornish,

New Louisville, Arkansas.

DEAR SIR:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James H. Cornish, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Acting Chairman.



COPY

M.O.B. 1077.

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James R. Cornish, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

*Thomas C. Smith*  
Acting Chairman.

M C R 1077

Muskogee, Indian Territory, July 19, 1906.

Minnie Foreman,

Rush Springs, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting to be advised if there is any chance for the applicants in the consolidated Mississippi Choctaw case of James H. Cornish, et al. to be enrolled.

In reply you are informed that it appears from the records of this office that on November 22, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of July 12, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated Mississippi Choctaw case of James H. Cornish, et al.

This case is considered closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

No. 1077

For Identification as a Mississippi Choctaw.

Date NOV 26 1900

Name James H. Cornish.

Age 65. Blood 1/8

Post Office New Lewisville, Ark.

Father: William Cornish - dead.

Mother: Sarah Cornish - dead.

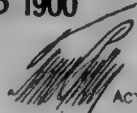
Claims through mother.

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 26 1900



ACTING CHAIRMAN.

Stenographer:

Myra Young.

Choc MCR 1078 E/12a A. Craig

see MCR 1077

MCR 1078

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 26, 1900.

In the matter of the application of Eliza A. Craig for the identification of herself and her four minor children as Mississippi Choctaws. Eliza A. Craig being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Eliza A. Craig.  
Q What is your age? A Thirty nine.  
Q What is your post-office address? A Norman, Oklahoma.  
Q Are you a resident of Oklahoma Territory? A Yes sir.  
Q How long have you lived there? A Six years.  
Q Maintained a continuous residence there for six years?  
A Yes sir.  
Q Where did you live prior to that time? A Illinois.  
Q How long did you live in Illinois? A About twelve years.  
Q Where did you live before that? A In the Chickasaw Nation.  
Q Eighteen years ago you lived in the Chickasaw Nation?  
A Yes sir.  
Q How long did you live there? A I don't remember just how long.  
Q About how long? A About four months.  
Q Where did you come from to the Chickasaw Nation? A Texas.  
Q How long had you been a resident of Texas? A About 15 years.  
Q Where did you live before that? A Arkansas.  
Q Were you born in Arkansas? A Yes sir.  
Q Moved from there to Texas? A Yes sir.  
Q Remained in Texas fifteen years? A About that.  
Q Moved to the Chickasaw Nation and lived there four months.  
A Yes sir.  
Q Moved to Illinois? A Yes sir.  
Q And lived there all your life until you moved to Oklahoma six years ago? A Yes sir.  
Q You have never been a resident of Mississippi? A No sir.  
Q The only residence you have had in the Choctaw or Chickasaw Nations was four months about twelve years ago? A Yes sir.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A Leandrew Davis.  
Q Is your father living? A Yes sir. Q What is your mother's ~~name~~ name? A Mary Kane Davis.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q Your mother ever been a resident of the Choctaw or Chickasaw Nations? A No sir.  
Q Was her name ever on any of the tribal rolls of the Choctaw or Chickasaw Nations? A No sir.  
Q Was she ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

Eliza A. Craig 2

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir, not that I know of.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896 examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court, examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either ~~enrollment~~ citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Because I am a descendant of a Mississippi Choctaw.

Q You are making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A Not that I know of.

Q What was the name of your ancestor or ancestors who were members of the Choctaw tribe of Indians in Mississippi in 1830 at the time this treaty was entered into between the United States and the Choctaw Indians? A Polly Foster.

Q What relation was Polly Foster to you?

A My great grand mother.

Q You are a direct lineal descendant of hers? A Yes sir.

Q Was Polly Foster a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know.

Q Did she or did any other of your ancestors through whom you might claim this right to identification signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the state of Mississippi, within six months after the ratification of this treaty? A I couldn't say. I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A Not that I know of.

Q You were born in Arkansas 39 years ago? A Yes sir.

Q Your parents were residents of the state of Arkansas at that time? A Yes sir.

Q How long had they been residents of that state? A I think my mother was born in Arkansas.

Q How old was your mother when you were born? A I don't know.



Eliza A. Craig 3

Q About how old? A I can't be positive about that for I don't remember.

Q Where did your mother's people come from? A I don't know that.

Q Your mother you say had always lived in Arkansas? A As far as I know my mother had always lived in Arkansas.

Q Are you making any claim by reason of any other treaty stipulation entered into between the United States and the Choctaw tribe of Indians? A No sir.

Q Making your application solely under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A John W. Craig.

Q Are you making any claim for him? A No sir.

Q He is a white man? A Yes sir.

Q He has never made any claim to Indian citizenship by blood? A No sir.

Q Where did you marry him? A In Paleopinto, County, Texas.

Q Have you any children? A Yes sir.

Q How many? A Four.

Q Do you want to make application for your children? A Yes sir.

Q What are their names and ages? A Minnie W. eighteen.

Q What is the next one? A Ollie I.

Q How old is she? A Fourteen.

Q The next one? A John L.

Q How old is John? A Twelve.

Q The next one? A Albert B.

Q How old is Albert? A Five.

Q Is that all? A Yes sir.

Q You are the mother of these four children? A Yes sir.

Q John W. Craig is the father of them? A Yes sir.

Q You and your husband live together? A Yes sir.

Q The residence of these children has always been the same as yours? A Yes sir.

Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your minor children? A No sir.

Q Is there any written evidence you desire to offer the Commission for consideration in support of this application? A Yes sir.

There is offered in evidence the original application and petition of Eliza A. Craig and the certified copies of depositions of A. Womack and A. P. Womack before the Choctaw Citizenship Committee, October 14th 1896, in the matter of the admission to citizenship in the Choctaw Nation of James M. Campbell et al and the certified copy of the affidavit of Willis James, marked exhibit A, filed and made a part of the record in this case.

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post-office address.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27th day of November, 1900.

*Myra Young*  
*Guy L. Emerson*  
Notary Public.



COPY.

M.C.R. 1078

Muskogee, Indian Territory, July 12, 1902.

Eliza A. Craig,

Norman, Oklahoma Territory.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James H. Cornish, et al., embracing the following applications for identification as Mississippi Choctaws:

James H. Cornish,	M.C.R. 1077
Etta S. Boomer,	M.C.R. 1079
Eliza A. Craig, et al.,	M.C.R. 1078
Watson R. Cornish, et al.,	M.C.R. 1075
Thomas J. Hogg,	M.C.R. 1076

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

E A C -----2

James H. Cernish, Etta S. Beemer, Eliza A. Craig, Minnie M. Craig, Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cernish, Ulah Cernish, Stella Cernish, Clellie Cernish, Mattie Cernish, Myrtle Cernish, May Cernish, Overton Cernish, and Thomas J. Hegg as Ghostaw Indians, entitled to rights in the Ghostaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Fama Birby*

Registered,

Acting Chairman.

COPY.

M.C.F. 1072.

Wichita, Indian Territory, December 5, 1902.

Miss A. Craig,

Norman, Oklahoma, Territory.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James H. Cornish, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Acting Chairman.

No. 1078

For Identification of a Mississippi Choctaw.

Date

NOV 26 1900

Name

Eliza A. Craig.

Age

39.

Blood

1/16.

Post Office,

Norman, Ok. Territory.

Father:

Leandrew Davis - ✓

Mother:

Mary J. Davis - ✓

Claims through

mother.

HUSBAND:

John W. Craig.

(No claim for husband).

Children:

Minnie M. Craig

18.

Olive J.

"

14.

John L.

"

12

Albert B.

"

5

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 26 1900

ACTING CHAIRMAN.

Stenographer:

Mary Young

NOTICE OF DECISION

JUL 12 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT.

JUL 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

DEC - 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

DEC 13 1902

REFER TO M. O. R. 1077

choc mcr 1079 ETta S. Boomer

see mcr 1077

mcr 1079

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 26, 1900.

In the matter of the application of Etta S. Boomer for identification as a Mississippi Choctaw. Etta S. Boomer being duly sworn by the Commission, testified as follows.

Examination by the Commission.

- Q What is your name? A Etta S. Boomer.  
Q What is your age? A Eighteen.  
Q What is your post-office address? A 239 Union Street, Memphis, Tennessee.  
Q Are you a resident of the state of Tennessee? A Yes sir.  
Q How long have you resided there? A Five months.  
Q Where did you live before that? A New Lewisville, Arkansas.  
Q How long were you a resident of the state of Arkansas? A All my life until I was married.  
Q You were born in Arkansas? A Yes sir.  
Q And lived there until a few months ago when you moved to Tennessee? A Yes sir.  
Q You have never maintained a residence in the Indian Territory or in the state of Mississippi? A No sir.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A James H. Cornish.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Delia Cornish.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Your father's name ever on any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Has your father ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a citizen of that Nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896, examined and the name of the applicant does not appear thereon.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court examined and the name of the applicant does not appear thereon.



Q This is the first application you have ever made of any description to either the tribal authorities of the Choctaw Nation or to the authorities of the United States? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I am a descendant of a Mississippi Choctaw.

Q You are making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A I think her name was Polly Foster.

Q What relation was Polly Foster to you? A My great grand mother.

Q You are a direct lineal descendant of hers are you? A Yes sir.

Q Did Polly Foster or any other of your ancestors through whom you might claim this right to identification, ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi, their intention to remain and become citizens of the state of Mississippi within six months after the ~~admission~~ ratification of this treaty? A I don't know.

Q Have you any evidence showing that Polly Foster was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No I have not.

Q Did Polly Foster or any other of your ancestors through whom you might claim this right to identification ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q You were born in Arkansas, eighteen years ago? A Yes sir.

Q You claim this right through your father? A Yes sir.

Q What had been his residence prior to your birth? A He had lived in Arkansas as long as I have heard him speak of it.

Q Do you know where he came from to Arkansas? A From Alabama I think but I am not sure.

Q Do you know when he came from Alabama? A No sir, I do not.

Q Do you know how long he had been a resident of the state of Arkansas prior to your birth? A No, I do not.

Q Do you make any claim by reason of any other treaty stipulation entered into between the United States and the Choctaw Indians? A No.

Q You make your claim solely under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Herbert Boomer.

Q Have you any children? A No sir.

Q Making this application solely on your own behalf? A Yes sir.

Q Is there any additional statement you desire to make in support of your application? A No.

Q Is there any written evidence that you desire to offer the Commission for consideration in support of your application? A Yes.

There is offered in evidence the original application and petition of Etta S. Boomer and the certified copies of depositions of A. Womack and A. P. Womack before the Choctaw Citizenship Committee, October 14th, 1896, in the matter of the admission to citizenship in the Choctaw Nation of James M. Campbell et. al and the certified copy of the affidavit of Willis James, marked exhibit A, filed and made a

Etta S Boomer 3

part of the records in this case.

The decision of the Commission as to your application for identification as a Mississippi Cheataw, will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states, that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of November, 1900, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 27th day of November, 1900.

Guy L. V. Emerton  
Notary Public.

30260

RETURNED  
TO  
WRITER  
Unclaimed.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

FIRST NOTICE  
JUL 14 1902  
TENN. JUL 29 1902  
2nd. Notice sent  
Memphis Tenn.

Elta S. Boomer,  
#239 Union Street,  
Muskogee  
2nd Floor  
Memphis Tenn.



REGISTERED  
MAIL  
MEMPHIS, TENN.

RECEIVED  
JUL 17 1902 P. M.  
MEMPHIS, TENN.  
L. W. DUTRO, P. M.

FILED  
JUL 19 1902

*with date 7.18*  
*Practice.*

1079

*Wm. O. B.*

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1079

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1902.

Etta S. Boomer,  
#239 Union Street,  
Memphis, Tennessee.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James H. Cornish, et al., embracing the following applications for identification as Mississippi Choctaws:

James H. Cornish,	M.C.R. 1077
Etta S. Boomer,	M.C.R. 1079
Eliza A. Craig, et al.,	M.C.R. 1078
Watson R. Cornish, et al.,	M.C.R. 1075
Thomas J. Hogg,	M.C.R. 1076

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the

K S B -----2

evidence herein is insufficient to determine the identity of James H. Cornish, Etta S. Boomer, Elisa A. Craig, Minnie M. Craig, Ollie I. Craig, John L. Craig, Albert B. Craig, Watson R. Cornish, Ulah Cornish, Stella Cornish, Clellie Cornish, Mattie Cornish, Myrtle Cornish, May Cornish, Overton Cornish, and Thomas J. Hogg, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

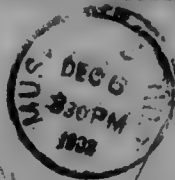
You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.



Acting Chairman.



DEC 11  
MEMPHIS, TENN.

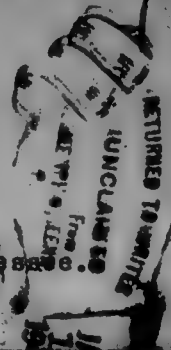
Etta S. Boomer,  
239 Union Street,  
Memphis, Tennessee.

Department of the Interior.

Indian to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for Private Use, \$300.







W. O. B.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1079.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December, 5, 1902.

Etta S. Beemer,  
439 Union Street,  
Memphis, Tennessee.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James M. Cornish, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

  
Acting Chairman.

No. 1079

For Identification as a Mississippi Choctaw.

Date NOV 26 1900

Name Etta J. Boomer.

18 Blood 1/16  
Post Office, Memphis, Tenn.

Father: James N. Cornish - ✓

Mother: Delia Cornish - ✓

Claims through father.

Children:

#239 Union Street.  
Memphis,  
Tenn

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 26 1900

ACTING CHAIRMAN.

Stenographer: Myra Young

G. O. Number 10791-1900.  
J. A. Overstreet, Purcell, I.T.  
December 10, 1900.

M.G. R 1079 Etta S. Boomer

Etta S. Boomer, 18 years old,  
of Memphis, Tenn. on November  
26, 1900, appeared before  
Commission at Muskogee, and  
made application for identifi-  
cation as a Mississippi Choctaw.  
No judgment has been rendered.

Atoka, January 4, 1901.

AB

NOTICE RECEIVED.

JUL 12

NOTICE OF DECISION MAILED APPLICANT.

JUL 12 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 12 1902

RECORD FORWARDED DEPARTMENT.

JUL 12

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

DEC - 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

DEC - 5 1902

REFER TO M. C. R. 1077

Choc MCR 1080 Wesley W. Sullivan

See MCR 2467

MCR 1080

*W. H. Sullivan*  
**REFUSED.**

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUL 14 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL 28 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 28 1902

REFER TO M. C. R. 2467



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 28th, 1900.

In the matter of the application of Wesley W. Sullivan, for the identification of himself and one minor child as Mississippi Choctaws.

The said Wesley W. Sullivan, being duly sworn, was examined by the Commission and testified as follows:

- Q What is your name? A Wesley W. Sullivan.
- Q What is your age? A Twenty-seven.
- Q What is your post office? A Woodbine, Texas.
- Q Are you a resident of the State of Texas? A Yes, sir.
- Q How long have you resided in Texas? A Well, I have been raised principally in Texas. I was born there.
- Q Born there and lived there all your life? A Not to make it my regular home. I have been in the Nation part of the time.
- Q What did you do in the Nation? A I taught school in the Nation.
- Q What Nation? A Chickasaw Nation.
- Q How long were you there? A About four months.
- Q What year? A That was in 1896.
- Q Is that the only residence you have ever had in the Indian Territory? A Yes, sir.
- Q How much Choctaw blood do you claim? A One thirty-second.
- Q What is your father's name? A Thomas Benton Sullivan.
- Q Is your father living? A Yes, sir.
- Q What is your mother's name? A Frances J. Sullivan.
- Q Is your mother living? A Yes, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.
- Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Has she ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A No, I reckon not.
- Q Why do you say you reckon not? A A Well, I say I don't suppose I have. I haven't that I know of.
- Q Did you ever make application to the Council? A No, sir.
- Q Did you, or did any one for you or in your behalf, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.
- Q Have you ever been admitted to Choctaw citizenship by a judgment of the United States Courts in the Indian Territory? A No, sir.
- Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.
- Q This is your first application of any description? A Yes, sir.
- Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Well, it is the general history of the family. That is the way I have been taught.

Q Are you making your application as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of that article and that treaty? A I don't know. I don't understand the question.

Q Do you know what the provisions of the 14th article of the treaty of 1830 are? A Yes.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A Do you mean, was any of them ever on the roll that we claim back to?

Q Yes, were any of your ancestors on the Choctaw tribal rolls in the State of Mississippi in 1830, at the time the treaty was entered into? A Yes, sir.

Q And did they signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the State of Mississippi within six months after the ratification of that treaty? A Why, I don't know.

Q What is the name of your ancestor who was a resident of Mississippi and a member of the Choctaw tribe of Indians in 1830? A Widow Burris.

Q Is that the only name she ever had? A That is all I know of.

Q What relation was she to you? A Well, I don't know what relation she is.

Q Then, how do you claim your rights through her if you don't know she is your relation? A Well, I am related to her, but I don't know just exactly the relation.

Q How are you related to her? A On my mother's side of the family, I reckon. I don't know what relation I am to her myself.

Q Are you a lineal descendant of hers? A Yes, sir.

Q Then what relation are you? A Well, it run back to great-great-grandmother, somewhere.

Q Well, how does it. How are you related to this widow Burris? What relation is she to you? A Well, I suppose she is my great great grandmother. Now, that is the way I have got it, to the best of my knowledge she is.

Q Your great-great-grandmother? A Yes, sir.

Q Have you any evidence showing that you are a direct lineal descendant of hers? A No, sir; not now. But I expect to furnish that evidence.

Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians in 1830? A Well, she was on the roll of 1830, as I understand.

Q On what roll? A The roll of 1830, a Mississippi Choctaw.

Q Is she on the roll of these Choctaw Indians who signified their intentions to the United States Indian Agent to the Choctaws in Mississippi within six months after the ratification of the treaty of 1830, to remain and become citizens of the State of Mississippi?

A Well, I can't tell you that now.

Q Did any of your ancestors ever receive or claim any land in Mississippi as a beneficiary under the 14th article of the treaty of 1830? A I don't know that.

Q You have lived in Texas for the past twenty-seven years? A Yes, sir.

Q Do you know how long your parents had been there before that? A Well, I think they have been here about forty or forty-five years all together. I don't know how long they were there before that.

Q How long had your parents been in Texas before you were born? A I suppose it was about twenty-five or thirty years, somewhere

along there.

Q Where did they come from to Texas? A They came from Missouri.

Q Do you know where your mother was born? A Yes, sir; she was born in Missouri.

Q How old is she? A She is about forty-five.

Q Do you know anything about her parents? A No, sir.

Q Do you know how long they had been residents of Missouri before your mother was born? A No, sir.

Q Do you know where they came from to Missouri? A No, sir.

Q Do you know anything about your grand parents residence?

A No, sir; I never seen one on either side.

Q Do you know anything about their residence? A They was all residents of Missouri. I don't know whether they was born and raised there or not.

Q Your mother was born in Missouri? A Yes, sir.

Q She never lived in Mississippi? A No, sir; I think not.

Q Are you making any claim by reason of any other treaty stipulations between the United States and the Choctaw tribe of Indians?

A No, sir.

Q You make your claim solely as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? Pearl Sullivan.

Q Are you making any claim for her? A No, sir.

Q She is a white woman? A Yes, sir.

Q How old is she? A She is eighteen.

Q When did you marry her? A I married her three years ago 1st September.

Q She has never made any claim to Indian citizenship by blood?

A No, sir.

Q Have you your marriage license and certificate? A No, sir; not with me.

BY THE COMMISSION: It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the application for the identification of your child.

A All right.

Q What is the name of your child for whom you desire to make application? A Artie Benton Sullivan.

Q How old is this child? A Two years old last July.

Q Is that all the child you have? A Yes, all I have.

Q Are you the father of this child? A I suppose so.

Q Pearl Sullivan is the mother? A Yes, sir.

Q You and your wife live together? A Yes, sir.

Q This child has always lived with you? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application or the application you make on behalf of your child? A No, sir.

Q Is there any written evidence you desire to submit to the commission for consideration in support of this application? A No, sir.

Mr. J. P. Hudson: (Counsel for applicant) Here attorney for applicant asks leave to file written evidence in support of this claim within fifteen days from this date.

BY THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application, provided the same is offered for filing with this Commission within fifteen days from this date.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as a Mississippi Choctaw, will be mailed to you in writing in the near future at your present post office address.

Wesley W. Gullivant et al-----4.

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings in this application for identification as Mississippi Choctaws, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 26th day of November  
A. D. 1900.

*W. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

In the matter of the application for identification as Mississippi Choctaws of Wesley W. Sullivant, et al., M.C.R. 1080.

J. G. Ralls attorney appearing in this cause.

John S. Martin, recalled, testifies as follows:

Examination by Attorney J. G. Ralls.

- Q State what you know in regard to any of these people you have mentioned being on any of the Indian rolls? A I find the widow Burris on the roll and William Burris his son and Gabriel Burris, and Nancy Crowder, they are uncles and aunts of my brother William D. Martin.
- Q Do you know whether Gabriel Burris lived in the Choctaw Nation? A No, sir; I don't know where he lived and died. My grandmother came to the Choctaw Nation about the year 1840 and then went into Texas and died there.
- Q Do you know whether one of her sons came with her or not? A A William Burris came with her and Nancy Crowder.

Examination by the Commission.

- Q What rolls do you refer to Mr. Martin? A The old Indian rolls and land rolls.
- Q What old Indian rolls, be more specific please? A I find one of them in volume 7.
- Q Volume 7 of what? A Volume 7 of some of those land rolls.
- Q That is not definite enough? A I don't know.
- Q You mean Volume 7 of the American State Papers? A Yes, sir.
- Q Is it the same widow Burris whose name appears on page 115, Volume, 7, American State Papers, as being in a list of Greenwood LeFlore, under the form number 3, of a list of Captains entitled to an additional one-half section under the 19th article of the treaty of 1830? A I don't recollect anything about it.
- Q You know how many acres of land she had in cultivation? A I think it was claimed that she had fifteen.
- Q You know how many members in the family? A Five I think.
- Q It is given as six here? A Yes, six I reckon.
- Q Is it the same widow Burris whose name also appears on page 138, volume 7, American State Papers in a list of names of claims allowed in Greenwood LeFlore's District? A I think they claimed in LeFlores District.
- Q What relation is this widow Burris whose name appears in this book as a beneficiary under article nineteen of the treaty of 1830 to Wesley W. Sullivant? A She was a Great-great grandmother.
- Q What positive information have you that she is the great-great grandmother of Wesley W. Sullivant; how do you know that this is the one? A What I know about it is that the names are identical and that she claimed to be from there.
- Q You knew the widow Burris? A I was with her about six months.
- Q What did she tell you about being a beneficiary under article nineteen? A She did not tell me anything about it to my recol-

#2

lections. My knowledge was from letters and what we received from them.

- Q What other name besides the widow Burris is contained in volume 7, American State Papers, through whom you claim this right of Wesley W. Sullivan to be identified as Mississippi Choctaws? A I don't know anything about the numbers of books. I think William and Gabriel Burris and Nancy Crowder.
- Q There is no name other than the name of the widow Burris contained in Volume 7, American State Papers; don't you think you are mistaken about that? A I seen them on the roll.
- Q You stated a little while ago that these other people by the name of Burris had their names in volume 7, American State Papers? A I was mistaken about that.
- Q What other name did you give as being ancestors whose name appears in volume 7, American State Papers, commencing with "C"? A I claim William Burris.
- Q Give the other names please? A William Burris and Gabriel Burris and Nancy Crowder.
- Q A little while ago you claimed that Nancy Crowder's name was on volume 7, American State Papers? A Well I got the book mixed.
- Q There is no such name here as a claimant under article fourteen of the treaty of 1830; Can you say anything further about her name appearing on any of the rolls? A I just seen it on the old Choctaw rolls.

Examination by the attorney for applicants.

- Q Did you ever know any children of Gabriel Burris after he was married? A No, sir; I never met my uncle Gabriel he died.
- Q You know where he died? A I understood he died in Texas, but I don't know that is all hearsay.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 1st day of March, 1902,

*G. Rosenwinkel*  
*Earle McTear Wood*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 24, 1902.

In the matter of the application for identification as Mississippi Choctaws of Wesley W. Sullivan, et al., M.C.R. 1080.

J. G. Ralls, attorney appearing in this cause.

John S. Martin being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A J. S. Martin,--John S. Martin.  
Q What is your residence? A Ardmore, Indian Territory.  
Q What is your age? A Seventy-three.  
Q What is your occupation? A I am not in any business particularly--sort of a claim agent.  
Q What kind of a claim agent do you mean? A I have been interested in Indian Depredation claims.  
Q How long have you lived at Ardmore? A Four years.

Examination by attorney J. G. Ralls.

- Q Are you acquainted with Wesley W. Sullivan? A Yes, sir.  
Q How long have you known him? A All his life time.  
Q Where does he live? A He lives now at Trey, Indian Territory.  
Q Where did he formerly live? A In Texas, at the time he made application.  
Q He is the same person that made application for identification as a Mississippi Choctaw on the 27th of September 1900, is he? A Yes, sir.  
Q Do you know his father and mother? A Yes, sir.  
Q What was his father's name? A Thomas B. Sullivan, I believe.  
Q What do you know about the applicant having Choctaw blood? A Why his mother has Indian blood, Frankie Sullivan.  
Q Did you know her father and mother? A Yes, sir.  
Q Through whom did she claim her Choctaw Indian blood? A Through the widow Burris.  
Q About what proportion of Indian blood was her mother? A Her mother was said to be three quarters.  
Q Where did her mother live while you knew her? A She lived,--well when I knew her?  
Q Yes? A Oh! his,--Mrs. Sullivan's mother, she lived in Missouri and in Texas when I knew her. That was my brother's wife.  
Q She was a daughter of William D. Martin? A No, answer.  
Q Do you know whether or not Mrs. Sullivan spoke the Choctaw language? A No, sir; she did not.  
Q Do you know where she was born? A In Missouri.  
Q Did you know any of her parents? A Yes, sir.  
Q Which one? A William B. Martin.  
Q Was he a white man or Indian? A He was a part Indian.  
Q Do you know where he was born? A He was born in Missouri.  
Q Do you know whether he spoke the Choctaw language? A No, sir; he did not.



#2

- Q Do you know any other applicants who are related to Wesley W. Sullivant? A Yes, sir; I know all of them, I reckon. All of William D. Martin's children.
- Q What relation are they to this applicant? A This is the son of the oldest daughter of William D. Martin.
- Q Can you give us the names of these children and grandchildren of Mr. Martin's? A I can give you the names of all the children but probably I would not know the names of all the grandchildren.
- Q Name them? A Frankie J. Sullivant was the oldest, No, William R Martin was the oldest one and Frankie was the second one.
- Q Any others? A William P. Martin was the next son and Nancy P. O'Neill was the next, Mollie Baker was the next one, and John J. Martin was the next one, --Annie Regan was the last child.
- Q Did you ever live in Mississippi? A No, sir.
- Q What do you know if anything about any of these people claiming to be Choctaw Indians? A Why Sullivants claim Choctaw Indian blood; they all claim it through the widow Burris.
- Q When did you first hear them claim to be Choctaws as well as you remember? A Why in 1838 or forty, --1838, or '40.
- Q They were living then in Missouri were they? A Yes; their father and mother lived in Missouri and my grandmother came to visit them.
- Q Are you an applicant yourself Mr. Martin? A I did apply as an intermarried citizen but I withdrew that.
- Q You married into this family? A No, sir; I married a Harris.
- Q Are you related to these people in any way? A Yes, sir.
- Q What relation are you? A I am an uncle to the Sullivant's and Bakers, William D. Martin was my brother.
- Q Do you know anything else in regard to this claim of these people for identification as Mississippi Choctaws? A Nothing more than that I know about the blood of the widow Burris.
- Q What was the widow Burris' appearance and complexion? A She showed to be Choctaw.
- Q About what quantity of Choctaw blood did she appear to have? A She showed to be nearly three-quarters or probably full blood.
- Q Do you know whether or not she spoke the Choctaw language? A I think she did but I was very young at the time, I don't recollect much about it but I know she could speak some language but I don't know what it was. It was my understanding that she spoke the Choctaw language.
- Q That was in Missouri that you knew her? A Yes, sir.
- Q You don't know where she came from or where she was born? A She came from Mississippi there on a visit.

Examination by the Commission.

- Q How old were you when you knew the widow Burris in Missouri? A I was eight years old.
- Q How long did you know her from that time on? A She only remained there probably about six months.
- Q Then all you know of her personally, that you knew her for six months when you were eight years old and knew her in Missouri? A Yes, sir.
- Q And your recollection of her knowledge of the Choctaw language is based upon what you knew at that age? A Yes, sir; what they told me.
- Q Hearsay testimony? A Yes, sir.
- Q You know of the Choctaw blood of these descendants of the widow Burris in the same way, through hearsay testimony? A Yes, sir.

G. Rosenwinkel being duly sworn upon his oath states that as

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stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

Subscribed and sworn to before me this 1st day of March 1902.

*Clara Mitchell Wood*  
Notary Public.

Muskogee, Indian Territory, July 24, 1901.

Hudson & Arnold,

Attorneys at Law,

Admore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you desire carbon copies of the testimony of Wesley Sullivan, Frances J. Sullivan and Mary E. Baker, applicants for identification as Mississippi Choctaws.

In accordance with your request, there is enclosed you herewith carbon copy of the testimony of Wesley Sullivan, in the matter of the application for identification of himself, and his minor child, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Also, carbon copy of the testimony of Frances Jane Sullivan, in the matter of the application for identification of herself and minor child, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Also, carbon copy of the testimony of Mary E. Baker, in the matter of the application for identification of herself and her seven (7) minor children, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Please acknowledge receipt.

*yours truly*

*Commissioner in Charge*

MC 1080

1081

1082

AB-4-26

Muskogee, Indian Territory, November 18, 1901.

J. E. Arnold,

Attorney at Law,

Armore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 15, with which you inclose motion and affidavit of W. W. Sullivan, an applicant for identification as a Mississippi Choctaw, to have his case re-opened for the hearing of additional testimony, first in the State of Mississippi and then in the Indian Territory. You ask that the cases of certain other applicants for identification as Mississippi Choctaws, claiming descent from the same common ancestor be set for hearing on the same day, and that you and the applicants be advised of the date fixed for such hearing.

You are advised that no action has been taken relative to the rights of these applicants as Mississippi Choctaws, and the motion to re-open the case of W. W. Sullivan is herewith returned to you. If these applicants desire to offer additional evidence in support of their applications, the Commission will hear the testimony of witnesses who present themselves in person at its office at Muskogee, Indian Territory. If the witnesses reside in Mississippi, they may be heard at the office of the Commission at Meridian, Miss-

J.E.A. 2

issippi, between January 15 and February 15, 1901. If it is impossible to secure the personal attendance of witnesses, their depositions will be considered, when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

AB 9-15

MC 1080

Muskogee, Indian Territory, November 28, 1901.

J. B. Arnold,

Attorney at Law,

Armore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty second instant, in which you repeat your request for a copy of the testimony given by W. W. Sullivant, Fannie J. Sullivant and Mollie B. Baker at the time they appeared as applicants for identification as Mississippi Choctaws, and state that you are the attorney in these cases.

In reply to your letter you are advised that it appears that Mr. L. F. Hudson is attorney of record in these cases, and appeared with the applicants when they applied for identification as Mississippi Choctaws. The Commission can only furnish one copy of the testimony in these cases for the applicants and their attorneys; if you will send to the Commission written authority from the applicants and parties interested in these cases, instructing to receipt for this copy of the testimony, your request will then receive proper consideration.

Yours truly,

1080  
Acting Chairman.



COPY.

-MON-1000-

Muskogee, Indian Territory, May 27, 1902.

Wesley W. Sullivan,

Woodbine, Texas.

Dear Sir:-

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William P. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

William P. Martin, et al.,	M.C.R. 2487;
Sarah E. Reagan, et al.,	M.C.R. 1216;
Wesley W. Sullivan, et al.,	M.C.R. 1080;
Frances J. Sullivan, et al.,	M.C.R. 1081;
Eora Lee Sullivan,	M.C.R. 1083;
Mary E. Baker, et al.,	M.C.R. 1082;
Barton B. Martin,	M.C.R. 1084;
Rosa A. Minor, et al.,	M.C.R. 1216;
Mary E. Lynch, et al.,	M.C.R. 2501;
Nancy E. O'Real, et al.,	M.C.R. 2486;
Nora Morris, et al.,	M.C.R. 2488;
Thomas Martin,	M.C.R. 2489;
Minnie today, et al.,	M.C.R. 2008.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 26, 1896, (50 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-



seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William P. Martin, Cora Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley E. Sullivant, Artie Benton Sullivant, Frances J. Sullivant, Susan Emiline Sullivant, Minnie Ellen Sullivant, John Thomas Sullivant, James Henry Sullivant, Nora Lee Sullivant, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Katy Florence Baker, Laura L. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Kola F. Lynch, Nora F. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Nora Morris, Minnie O. Morris, Clemmett V. Morris, Thomas Martin, Minnie Coday, Mary Coday and Verdie Coday as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

A. E. W. S. & S.

COPY

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED:

Acting Chairman.

NOV 10 1902  
NOV 10 1902  
NOV 10 1902

Muskogee, Indian Territory, July 26, 1902.

O'Day L. Collins,

Troy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state you are requested by Sullivan et al., claimants as Mississippi Choctaws, to ascertain the present status of their cases and whether they have any chance of enrollment as citizens of the Choctaw or Chickasaw Nations and whether they have been rejected or not.

In reply you are informed that the records of the Commission do not show that any persons by the name of Sullivan have ever made application for enrollment as citizens of the Chickasaw Nation. The records of the Commission do show however that Wesley W. Sullivan and minor children Frances J. Sullivan and Nora Lee Sullivan, residence, Woodbine, Texas, are applicants to this Commission for identification as Mississippi Choctaws. If these are the persons concerning whom you make inquiry, you are informed that the Commission, on May 27, 1902, rendered its decision refusing the applications for identification as Mississippi Choctaws of these persons, and on the same date they were notified of such

C. L. S.--2.

decision and the forwarding of the record to the Secretary of the Interior for review. The several applicants will be notified in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 1000

Muskogee, Indian Territory, July 28, 1902.

Wesley W. Sullivan,  
Woodbine, Texas,

Dear Sir:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Martin, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED).

Commissioner in Charge.

No. 1080

For Identification as a Mississippi Choctaw.

Date **NOV 27 1900**

Name *Wesley W. Sullivant.*

Age *27.* Blood *1/32*

Post Office, *Woodbine, Texas.*

Father: *Thomas B. Sullivant - ✓*

Mother: *Frances J. Sullivant - ✓*

Claims through *mother.*

WIFE:

*Pearl Sullivant*  
*(No claim for wife).*

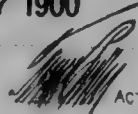
Children:

*Artie Benton Sullivant 2.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**NOV 27 1900**



ACTING CHAIRMAN.

Stenographers:  
*Wellokear.*



Choc mcr 1081 Frances J. Sullivan

See mcr 2467

mcr 1081



*Frances J. Sullivant, et al*

**REFUSED.**

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL 23 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 23 1902

*Refer P.O. Address Review, 22.*

REFER TO M. C. R. 2467

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 27th, 1900.

In the matter of the application of Frances J. Sullivan for the identification of herself and her four minor children as Mississippi Choctaws.

The said Frances J. Sullivan, being duly sworn, was examined by the Commission and testified as follows:

- Q What is your name? A Frances J. Sullivan.  
Q What is your age? A Fifty-one.  
Q What is your post office address? A Woodbine, Texas.  
Q Are you a resident of the State of Texas? A Yes, sir.  
Q How long have you resided there? A Ever since I was about six or seven years old, I guess.  
Q You have been there about forty-five years, have you then?  
A Yes, sir.  
Q You have been there continuously for the past forty-five years? A Yes, sir; in the same town.  
Q You have never made your residence elsewhere than the State of Texas for the past forty-five years? A No, sir.  
Q Where did you come from to the State of Texas? A Missouri.  
Q How long have you lived in Missouri? A I was born in Missouri, and lived there until I went to Texas.  
Q How much Choctaw blood do you claim? A Well, about one-sixteenth, I guess.  
Q What is your father's name? A William Burris Martin.  
Q Is your father living? A No, sir.  
Q What is your mother's name? A Sarah Snodgrass was her name before she was married. That was her maiden name.  
Q Her name was Martin then when you were born? A Of course, yes, sir.  
Q Is your mother living? A No, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How long has your father been dead? A Well, now, he died during the war, I think.  
Q Was he ever recognized, during his life time by the Choctaw tribal authorities in the Indian Territory as a citizen of the Choctaw Nation? A No, sir.  
Q Was his name ever on any of the tribal rolls of the Choctaw Nation?  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No, sir.  
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their national Council as a citizen of the Choctaw Nation? A No, sir.  
Q Did you, or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory?  
A No, sir.  
Q Have you ever previous to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or for enrollment as Choctaw Indian? A No, sir.  
Q This is your first application of any description, is it? A Yes, sir.

Francis J. Sullivan et al---2.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe that you are entitled to be identified by this commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Why, that has been the understanding all the time of the family, I believe.

Q Are you making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Are you familiar with the provisions of that article of that treaty? A No, sir.

Q I will read it to you. The treaty of 1830 was made between the United States and the Choctaw Indians, and provided for the removal of the Choctaw Indians from their home in Mississippi to the country west of the Mississippi which is the present Choctaw and Chickasaw nations in the Indian Territory. But the United States Government agreed that if any of these Choctaw Indians wished to remain in Mississippi they could do so, and included in the treaty the 14th article, which reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section or six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." Did any of your ancestors ever comply with the provisions of that article of that treaty? A Well, I don't know.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time this treaty was entered into? A Burris.

Q What is her full name? A I don't know.

Q Just Burris? A Yes, sir.

Q Was it a man or a woman? A A woman.

Q Was she a Choctaw Indian? A I don't know. That is what we hear.

Q Have you any evidence of the fact that she was a Choctaw Indian? A Well, we we will try to find some.

Q Was she ever recognized by the Choctaw tribal authorities or by the United States government in Mississippi in 1830 as a Choctaw Indian? A I don't know.

Q Was she a resident of the State of Mississippi in 1830? A I don't know whether she was or not.

Q Did she signify to the United States Indian Agent, if a resident of the State of Mississippi and a recognized member of the Choctaw tribe of Indians, her intention to remain and become a citizen of the State of Mississippi within six months after the ratification of this treaty of 1830? A I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q You have stated that you have maintained a residence in the State of Texas for the past forty-five years, and that six years previous to that you lived in Missouri where you were born? A Yes, sir.

Exhibit J. Sullivan et al-----3.

Q How long had your father lived in Missouri before you were born? A Well, I don't know. I think he lived here all his life.

Q Your father was born in Missouri? A Yes, sir; I think so.

Q Where did his parents come from? A I don't know.

Q How long had his parents been residents of the State of Missouri? A I couldn't tell you.

Q Do you know anything about your grandparents residence? A No, sir.

Q Do you know that they were residents of the State of Missouri when your father was born? A Yes, sir.

Q That would be seventy one years ago now. If your father was living now he would be about seventy one years of age, is that correct? A Yes, sir; I guess so.

Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw tribe of Indians? A No, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A Thomas Benton Sullivan.

Q Are you making any claim for him? A No, sir.

Q Is he a white man? A Yes, sir.

Q He never made any claim to Indian citizenship by blood? A No, sir.

Q Where did you marry him? A I married him in Texas.

Q When? A About thirty years ago.

Q Have you any children? A Yes, sir.

Q How many children have you under twenty-one years of age--and unmarried? A Four.

Q What are their names and ages? A Susan Bulline.

Q How old is she? A She is nineteen.

Q The next one? A Minnie Ellen.

Q How old is she? A She is seventeen.

Q The next one? A John Thomas.

Q How old is John? A He is fifteen.

Q The next one? A James Henry.

Q Is that all? A Yes, sir.

Q How old is James? A He is twelve.

Q Are you the mother of these four children? A Yes, sir.

Q Is Thomas Benton Sullivan, your present husband, the father of all of them? A Yes, sir.

Q Are these children all living with you at your home? A Yes, sir.

Q Are you and your husband living together? A Yes, sir.

Q Is there any additional statement you desire to make in support of this application and the application you are making on behalf of your minor children? A No, sir.

Q Is there any additional evidence you desire to file with the Commission in support of this application?

Mr. L. P. HUDSON (Counsel for applicant) Here attorney for applicant asks leave for file written evidence in support of this application within fifteen days from this date.

BY THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application, provided the same is offered for filing with the Commission within fifteen days hereof.

The decision of this Commission as to your application and the application made on behalf of your four minor children, will be mailed to you in writing in the near future at your present post office address.

-----o-----

Wm. S. Wellhear, being first duly sworn, upon his oath states

Frances J. Sullivan, et al----4.

that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of November  
A. D. 1900.

*W. S. Michie*  
*Guyl L. Emerson*  
Notary Public.

Muskogee, Indian Territory, July 22, 1901.

Hudson & Arnold,

Attorneys at Law,

Admore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you desire carbon copies of the testimony of Wesley Sullivan, Frances J. Sullivan and Mary E. Baker, applicants for identification as Mississippi Choctaws.

In accordance with your request, there is enclosed you herewith carbon copy of the testimony of Wesley Sullivan, in the matter of the application for identification of himself, and his minor child, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Also, carbon copy of the testimony of Frances Jane Sullivan, in the matter of the application for identification of herself and minor child, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Also, carbon copy of the testimony of Mary E. Baker, in the matter of the application for identification of herself and her seven (?) minor children, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Please acknowledge receipt.

*Yours truly*

*Commissioner in Charge*

MC 1080  
1081

1082

AB 11-26

Waskagee, Indian Territory, November 19, 1901.

J. E. Arnold,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 29th in which you ask to be supplied with copies of the statements made by Nellie M. Baker and Frankie J. Sullivan at the time they applied for identification as Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that you are not the attorney for these applicants and it is therefore impossible to comply with your request.

Yours truly,

M.C.1081.  
M.C.1082.

Assing Chairman.



COPY -MCR-1081-

Muskogee, Indian Territory, May 16, 1902.

Frances J. Sullivant,

Woodbine, Texas.

Dear Madam:-

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William P. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

William P. Martin, et al.,	M.C.R. 2487
Sarah E. Reagan, et al.,	M.C.R. 1218
Wesley W. Sullivant, et al.	M.C.R. 1080
Frances J. Sullivant, et al.	M.C.R. 1081
Nora Lee Sullivant,	M.C.R. 1083
Mary E. Baker, et al.,	M.C.R. 1088
Barton B. Martin,	M.C.R. 1084
Rosa A. Minor, et al.,	M.C.R. 1218
Mary E. Lynch, et al.,	M.C.R. 2391
Nancy P. O'Neal, et al.,	M.C.R. 2428
Nora Morris, et al.,	M.C.R. 2428
Thomas Martin,	M.C.R. 2488
Minnie Coday, et al.,	M.C.R. 2669

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Four-

teen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William P. Martin, Cora Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley W. Sullivant, Artie Benton Sullivant, Frances J. Sullivant, Susan Emiline Sullivant, Minnie Ellen Sullivant, John Thomas Sullivant, James Henry Sullivant, Nora Lee Sullivant, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Katy Florence Baker, Laura L. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Nora F. Lynch, Nora P. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Nora Morris, Minnie O. Morris, Clemmatt V. Morris, Thomas Martin, Minnie Coday, Mary Coday and Verdie Coday as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

7. J. 8. 5.

COR

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tamie Birge*

Acting Chairman.

Registered.

Miss. Choctaw R1081

Muskogee, Indian Territory, June 16, 1902.

T. F. Sullivan,

Ravia, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 13, in which you state that you are very much surprised at the decision of the Commission in the matter of the application of your wife, Frances J. Sullivan, for identification as a Mississippi Choctaw. You also ask if you will be permitted to remain long enough to gather the crop you have growing.

In reply to your letter you are advised that it not appearing from the evidence offered in this case that your wife is a descendant of a beneficiary under the provisions of the fourteenth article of the treaty of 1830, the Commission, by the provisions of the act of Congress of June 28, 1898, was without authority to identify her as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830 and the provision of law above referred to.

The record in this case is now before the Secretary of the Interior for review, and in the event that the decision of the Commission is affirmed by the Secretary of the Interior, such action becomes final as to the rights of your wife to maintain possession of

T.B.B. 2

lands of the Choctaw-Chickasaw country as a beneficiary under the provisions of the fourteenth article of the treaty of 1830. Your wife will in due time be advised of the action taken by the Secretary of the Interior in this case.

The only provision of law granting to so-called Mississippi Choctaws any right to hold possession of or in any way entitle them to the occupancy of the land of the Choctaw-Chickasaw country is contained in the provision of the act of Congress of May 31, 1900, as follows:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

and as the Commission has found your wife not to be entitled to identification as a Mississippi Choctaw, it is not believed that she is in any manner entitled to the use or occupancy of the lands of the Choctaw-Chickasaw country.

Yours truly,

Commissioner in Charge.



M C R 1000  
M C R 1001  
M C R 1002

Muskogee, Indian Territory, July 28, 1903.

O'Don L. Collins,

Troy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state you are requested by Sullivan et al., claimants as Mississippi Choctaws, to ascertain the present status of their cases and whether they have any chance of enrollment as citizens of the Choctaw or Chickasaw Nations and whether they have been rejected or not.

In reply you are informed that the records of the Commission do not show that any persons by the name of Sullivan have ever made application for enrollment as citizens of the Chickasaw Nation. The records of the Commission do show however that Wesley E. Sullivan and minor children Frances J. Sullivan and Vera Lee Sullivan, residence, Woodbine, Texas, are applicants to this Commission for identification as Mississippi Choctaws. If these are the persons concerning whom you make inquiry, you are informed that the Commission, on May 27, 1903, rendered its decision refusing the applications for identification as Mississippi Choctaws of these persons, and on the same date they were notified of such

U. L. S. 2,

decision and the forwarding of the record to the Secretary of the Interior for review. The several applicants will be notified in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.



OPY.

M.C.R. 1081

Muskogee, Indian Territory, July 28, 1902.

Frances J. Sullivan,

Nowa, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Martin, et al., of which decision you were advised by registered mail on the 29th day of May, 1902.

Yours truly,

(SIGNED).

I. B. Needles

Commissioner in Charge.

M C R 1081  
M C R 2467

Muskogee, Indian Territory, April 21, 1903.

F. J. Sullivan,  
Troy, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask if yourself and W. P. Martin have cases pending before this Commission.

In reply you are informed that it appears from our records that on July 19, 1902, the Secretary of the Interior approved the decision of the Commission refusing the applications made by yourself and William P. Martin for the identification of yourselves and children as Mississippi Choctaws. The Commission now considers these cases closed.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Frances J. Sullivant.

Age 51 Blood 1/16

Post Office, Woodbine, Texas.

Father: William B. Martin - dead.

Mother: Sarah S. Martin - dead

Claims through father.

HUSBAND:

Thomas B. Sullivant  
(No claim for husband).

Children:

Susan B. Sullivant	19.
Minnie B. "	17.
John D. "	15.
James H. "	12.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE-CIVILIZED TRIBES.

FILED

NOV 27 1900



ACTING CHAIRMAN.

Stenographer:  
Wellshear.

Choc MCR 1082 Mary E. Baker

see MCR 2467

MCR 1082

*Mary E. Baker, et al*

**REFUSED.**

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL 28 1902

NO DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 28 1902

*Refer P.O. Address - Ravin, I.T.*

REFER TO M. O. R. 2467

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 27th, 1900.

In the matter of the application of Mary E. Baker for the identification of herself and her seven minor children as Mississippi Choctaws.

The said Mary E. Baker, being duly sworn was examined by the Commission and testified as follows:

Q What is your name? A Mary E. Baker.

Q What is your age? A Forty-one.

Q What is your post office address? A Woodbine, Texas.

Q Are you a resident of the State of Texas? A Yes, sir.

Q How long have you resided here? A About twenty-five years, I guess.

Q You have maintained a continuous residence in Texas for the past twenty-five years? A Yes, sir.

Q Where did you live prior to that time? A I lived in Missouri.

Q How long did you live in Missouri? A Well, I don't know, some seven or eight years. I won't be positive.

Q Where did you live before that? A I was born in Texas and went to Missouri.

Q You were born in Texas and lived there until you were about ten years of age and then went to Missouri? A Well, I don't think I was ten when I went there. I was a small child, and I staid there until I was thirteen years old.

Q Then you came back to Texas? A Yes, sir.

Q You have never lived in the Indian Territory? A No, sir.

Q You never maintained a residence in the State of Mississippi? A No, sir.

Q How much Choctaw blood do you claim? A One-sixteenth.

Q What was your father's name? A William Burris Martin.

Q Is your father living? A No, sir.

Q What is your mother's name? A Sarah Martin.

Q Is your mother living? A No, sir.

Q Through which one of your parents do you claim your Choctaw blood? A My father.

Q How long has your father been dead? A I don't know. I was small when he died.

Q Was your father's name ever on any of the tribal rolls of the Choctaw Nation? A No, sir; not that I know of. I don't know.

Q Was your father ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I don't know.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A No, sir.

Q Did you, or did any one in your behalf, in 1896, make application to this commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir; not that I know of.

Q Well, you didn't make any yourself, did you? A No, sir.

Q Did you authorize any one to make any application for you?

A No, sir.

Q Did you ever---Have you any reason to believe any application was made for you? A No, sir.

Q Did any of your people or relatives make application to the Commission in 1896? A No, sir.



Mary B. Baker et al-----2.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.

Q Did you, or did any one in your behalf, ever previous to this time make application to either the Choctaw tribal authorities or the authorities of the United State for either citizenship or enrollment as a Choctaw? A No, sir.

Q This is your first application of any description, is it? A Yes, sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw Lands under the provisions of the 14th article of the treaty of 1830? A Well, I was related to the Widow Burris, and I understand ~~her~~ her name was on the old roll.

Q You are making your application or claim then as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q You heard the 14th article of that treaty read just now? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I don't know.

Q What was the name of your ancestors who were recognized members of the Choctaw tribe of Indians in Mississippi in 1830 at ~~the~~ the time this treaty was made? A The widow Burris, I understand.

Q What relation was she to you? A She was my great grandmother.

Q Have you any evidence showing that you are a direct lineal descendant of hers? A I expect to furnish that evidence.

Q Have you any evidence showing that she was a recognized member of the Choctaw tribe of Indians in 1830? A No, sir; not that I know of.

Q Did the widow Burris signify to the United States Indian agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States, within six months after the ratification of this treaty? A I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q Do you make any claim under any other treaty stipulation between the United States and the Choctaw tribe of Indians? A No, sir.

Q You are making your claim solely under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q You stated you were born in Texas forty one years ago? A Yes sir.

Q And moved from there to Missouri, and after a short residence in Missouri, returned to Texas where you have lived for the past twenty five years? A Yes, sir.

Q How long had your parents been residents of the State of Texas ~~Missouri~~ when you were born? A I don't know.

Q Do you know about how long your father had been there? A No, sir; I do not. I was very small when my father died. I don't remember him.

Q Did you ever hear your mother say how long they had lived in Texas? A They both died about the same time, I don't know.

Q You don't know anything about their residence before your birth? A The older children tells me all I know. I have always understood they lived in Texas.

Q Well, about how long did they live in Texas to the best of your knowledge? A Well, I don't know, and not knowing I can't say.

Q Do you know where your parents came from to Texas? A They came from Missouri.

Q Do you know where they were born? A No, sir; I do not.



Mary E. Baker et al----3.

Q Do you know whether your parents ever maintained a residence in the State of Mississippi? A No, sir; I do not.

Q Are you married? A Yes, sir.

Q What is your husband's name? A George W. Baker.

Q Is he a white man? A Yes, sir.

Q He never made any claim to Indian citizenship by blood, did he?

A No, sir.

Q Are you making any claim for him now? A No, sir.

Q Have you any children under twenty-one years of age and unmarried for whom you desire to make application? A Yes, sir.

Q How many? A Seven.

Q What are their names and ages? A Rosa E. Baker.

Q How old is Rosa? A She is twenty years old.

Q What is the name of the next one? A Georgie Alice.

Q How old is she? A She is eighteen years old.

Q All, right the next one. A John Wesley.

Q How old is he? A He is sixteen.

Q The next one? A Minnie Myrtle.

Q How old is she? A She is fourteen.

Q Go ahead. The next one? A William Arthur.

Q How old is he? A He is ~~about~~ eleven years old.

Q All right, go on.

A Katy Florence.

Q How old is Katie? A She is four years old.

Q The next one? A Laura L.

Q How old is Laura? A Six months old.

Q Are you the mother of these seven children? A Yes, sir.

Q Is George Baker, your present husband, the father of all seven of them? A Yes, sir.

Q Do you and your husband ~~don't~~ live together? A Yes, sir.

Q Have these children always lived with you? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your minor children? A No, sir.

Q Is there any written evidence you desire to submit to the Commission in support of this application?

Mr. L. P. Hudson (Counsel for applicant) Here attorney for applicant asks leave to file written evidence in support of this claim within fifteen days from this date.

THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this application provided the same is offered to the Commission for filing within fifteen days from the date hereof.

The decision of the Commission as to your application and the application you make on behalf of your minor children for identification as Mississippi Choctaws will be mailed to you in the near future at your present post office address.

----- 3 -----

Wm. S. Wellshear, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported all proceedings had in this application, and that the foregoing is a complete, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of November  
A. D. 1900.

*Guy L. V. Emerson*  
Notary Public.

Muskogee, Indian Territory, July 26, 1901.

Hudson & Arnold,

Attorneys at Law,

Arkmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you desire carbon copies of the testimony of Wesley Sullivant, Frances J. Sullivant and Mary B. Baker, applicants for identification as Mississippi Choctaws.

In accordance with your request, there is enclosed you herewith carbon copy of the testimony of Wesley Sullivant, in the matter of the application for identification of himself, and his minor child, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Also, carbon copy of the testimony of Frances Jane Sullivant, in the matter of the application for identification of herself and minor child, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Also, carbon copy of the testimony of Mary B. Baker, in the matter of the application for identification of herself and her seven (7) minor children, as Mississippi Choctaws, at Muskogee, Indian Territory, November 27th, 1900.

Please acknowledge receipt.

Yours truly

Commissioner in Charge

MC 1050  
1881  
1882

AB 4-26

Muskegee, Indian Territory, November 19, 1901.

J. E. Arnold,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 29th in which you ask to be supplied with copies of the statements made by Mollie H. Baker and Frankie J. Sullivant at the time they applied for identification as Mississippi Cheetaws.

In reply to your letter you are advised that it appears from our records that you are not the attorney for these applicants and it is therefore impossible to comply with your request.

Yours truly,

M.C.1081.  
M.C.1082.

Acting Chairman.

Miss. Choc. 1082

Muskogee, Indian Territory, February 20, 1902.

Mollie E. Baker,

Avia, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the sixteenth instant, in which you ask if more evidence is necessary in support of your application for identification as Mississippi Choctaw for yourself and your minor children; also if your case has been set for any certain date.

In reply to your letter you are advised that the Commission cannot render an opinion in regard to the sufficiency of the evidence in support of any application until the same is taken up for final consideration and determination. If you wish to offer any further testimony in support of your application, the Commission will hear the testimony of such witnesses as may present themselves at its office in Muskogee, within a reasonable time. No date has been fixed for the re-hearing of your case, but if such a date is fixed by the Commission, you will be advised in due time to make whatever preparations you may deem necessary for the proper presentation of your

M.B.B. 2

claim to identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, May 27, 1902.

Mary E. Baker,

Woodbine, Texas.

Dear Madame:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William P. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

William P. Martin, et al.,	M.C.R. 2467;
Sarah E. Reagan, et al.,	M.C.R. 1216;
Wesley W. Sullivan, et al.,	M.C.R. 1080;
Frances J. Sullivan, et al.	M.C.R. 1081;
Rora Lee Sullivan,	M.C.R. 1083;
Mary E. Baker, et al.,	M.C.R. 1082;
Barton B. Martin,	M.C.R. 1084;
Rosa A. Minor, et al.,	M.C.R. 1218;
Mary E. Lynch, et al.,	M.C.R. 2391;
Nancy P. O'Neal, et al.,	M.C.R. 2425;
Nora Morris, et al.,	M.C.R. 2426;
Thomas Martin,	M.C.R. 2466;
Minnie Coday, et al.,	M.C.R. 2669;

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 25, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Four.



M. E. B., Jr.

COPY.

teen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William P. Martin, Cora Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley W. Sullivan, Artie Benton Sullivan, Frances J. Sullivan, Susan Emiline Sullivan, Minnie Ellen Sullivan, John Thomas Sullivan, James Henry Sullivan, Nora Lee Sullivan, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Katy Florence Baker, Laura L. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Nola F. Lynch, Nora P. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Hera Morris, Minnie O. Morris, Clemmett V. Morris, Thomas Martin, Minnie Coday, Mary Coday, and Verdie Coday as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."



M. E. B., S.

COPY

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamm B. B. B.*

Acting Chairman.

Registered.

Miss. Choctaw R1062

Muskogee, Indian Territory, June 18, 1902.

G. W. Baker,

Navas, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 12, in which you express your surprise at the decision of the Commission in regard to the right of your wife, Mary R. Baker, to identification as a Mississippi Choctaw, and you ask whether you will be permitted to remain on the land you have taken up a sufficient length of time to harvest your crop.

In reply to your letter you are advised that it not appearing from the evidence offered in support of your wife's claim that she was the descendant of a Choctaw ancestor who resided in Mississippi in 1830 and whose claim under the fourteenth article of the treaty of 1830 was favorably adjudicated, the Commission was without authority to identify her as a Choctaw Indian entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830. She would not, therefore, be entitled to the use or occupancy, in any manner, of the lands belonging to the Choctaw and Chickasaw Tribes of Indians.

Yours truly,

Commissioner in Charge.

OPY.

M.C.R. 1088

Muskogee, Indian Territory, July 28, 1902.

Mary E. Baker,

Ravia, Indian Territory.

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Martin, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED).

*I. B. Needles.*

Commissioner in Charge.

9-30  
M O R 1002

Muskogee, Indian Territory, August 4, 1902.

O'Don L. Collins,

Wray, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, referring to the right to enrollment of your wife Maria C. Collins as a citizen by intermarriage of the Chickasaw Nation.

We can render you no further information in regard to this matter than to advise you that it does not appear from our records that your wife has ever made application to this Commission to be enrolled as a citizen by intermarriage of the Chickasaw Nation, and that before any consideration can be given her application it will be necessary that she personally present herself before the Commission for the purpose of an examination under oath. As has been before suggested to you it is desirable that if your wife anticipates making such application she do so as early as practicable.

Relative to the George W. Baker, concerning whom you inquire, you are advised that it appears from our records that on November 27, 1900, at Muskogee, Indian Territory, Mary E. Baker, forty-two years of age, and the wife of George W. Baker, made application to this Commission for the identification of herself and

C. L. Good,

has been since William, Sam E., George A., John W., Monte E., William A., Edw. P. and Laura L. Baker, as Mississippi Choctaws. On May 13, 1902, the Commission rendered a decision refusing the application made for the identification of the above named persons as Mississippi Choctaws, and on May 27, 1902, the record in such case was forwarded to the Secretary of the Interior for his review.

On July 10, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application of the above named persons, of which action they were duly advised on July 20, 1902. The right of these persons to identification as Mississippi Choctaws having been finally determined, they are in no manner entitled to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

No. 1082

For Identification as a Mississippi Choctaw

Date NOV 27 1900

Name Mary E. Baker.

Age 41. Blood 1/16

Post Office, Woodbine, Texas.

Father: William B. Martin - dead.

Mother: Sarah Martin - dead

Claims through father.

HUSBAND:

George W. Baker.

(No claim for husband).

Children:

Rosa M. E. Baker 20.

Georgia A. " 18.

John W. " 16.

Minnie M. " 14.

William A. " 11.

Katy D. " 7.

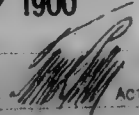
Laura L. " 6 mo.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900

Stenographer:



ACTING CHAIRMAN.

W. L. Shear.



Choc mcr 1083 Nora Lee Sullivan

see mcr 2467

mcr 1083



*Wm L Sullivan*

**REFUSED.**

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL 28 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 28 1902

REFER TO M. O. R. 2467

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 27th, 1900.

In the matter of the application of Nora Lee Sullivan for the identification of herself as a Mississippi Choctaw.

The said Nora Lee Sullivan, being duly sworn, was examined by the Commission and testified as follows:

Q What is your name? A Nora Lee Sullivan.

Q What is your post office address? A Woodbine, Texas.

Q Are you a resident of the State of Texas? A Yes, sir. I was born and raised there. I have lived there all my life.

Q How much Choctaw blood do you claim? A About one-thirty-second.

Q What is your father's name? A Thomas Benton Sullivan.

Q Is he living? A Yes, sir.

Q What is your mother's name? A Francis Jane Sullivan.

Q Is your mother living? A Yes, sir.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A No, sir.

Q Was she ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No, sir.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A No, sir.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.

Q Did you or did any one on your behalf in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.

Q This is your first application of any description? A Yes, sir.

Q You are not making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A From just what I have been taught--the history of the family is all I know.

Q You are making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A Yes---No, sir; I think not.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, at the time the treaty was entered into between the United States and the Choctaw tribe of Indians? A The widow Susan Burris is all I know.

Q What relation is she to you? A Great great grandmother.

Q You are a direct lineal descendant of hers are you? A Yes, sir; that is what I have been taught.

Nora Lee Sullivan---2.

Q Have you any evidence to that effect? A No, sir. I am going to furnish the evidence.

Q Was the Widow Burris a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Well, I couldn't answer that. I have been taught that she is on the tribal rolls.

Q Did she signify to the United States Indian agent of the Choctaw Indians in Mississippi her intention, within six months after the ratification of the treaty of 1830, to remain and become a citizen of the United States? A I don't know.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know.

Q Do you make any claim by reason of any other treaty stipulations entered into between the United States and the Choctaw tribe of Indians? A No, sir.

Q You are making your claim solely as a beneficiary under the 14th article of the treaty of 1830, are you? A Yes, sir.

Q You have lived in Texas twenty-two years? A Yes, sir.

Q How long had your parents lived there before you? A I couldn't answer positively; I think about twenty-five years. My father I think lived about twenty five years in Texas and my mother didn't live that long, I don't think.

Q Are you married? A No, sir.

Q You have never been married? A No, sir.

Q You are just making this application on your own behalf? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application? A No, sir.

Q Is there any additional evidence you desire to file for the consideration of the Commission in support of your application?

MR. L. P. Hudson (Counsel for applicant) Here attorney for the applicant asks leave to file written evidence in support of this claim within fifteen days from this date.

BY THE COMMISSION: Permission is granted the applicant to file written evidence in support of this claim provided the same is offered for filing with the Commission within fifteen days.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address.

The undersigned, Wm. S. Wellhear, being duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in this application and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of November A. D. 1900.

*W. S. Wellhear*  
*Guy L. Emerson*  
Notary Public.

COPY.

-MCR-1083-

Muskogee, Indian Territory, May 29, 1902.

Nora Lee Sullivant,

Goodbine, Texas.

Dear Madame:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William P. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

William P. Martin, et al.,	M.C.R. 2487;
Sarah E. Reagan, et al.,	M.C.R. 1218;
Wesley W. Sullivant, et al.,	M.C.R. 1080;
Frances J. Sullivant, et al.,	M.C.R. 1081;
Nora Lee Sullivant,	M.C.R. 1083;
Mary E. Baker, et al.,	M.C.R. 1082;
Barton B. Martin,	M.C.R. 1084;
Rosa A. Minor, et al.,	M.C.R. 1216;
Mary E. Lynch, et al.,	M.C.R. 2391;
Nancy P. O'Neal, et al.,	M.C.R. 2425;
Nora Morris, et al.,	M.C.R. 2426;
Thomas Martin,	M.C.R. 2468;
Minnie Coday, et al.,	M.C.R. 2669.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Four-

teen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William P. Martin, Gera Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley W. Sullivant, Artie Benton Sullivant, Frances J. Sullivant, Susan Emiline Sullivant, Minnie Ellen Sullivant, John Thomas Sullivant, James Henry Sullivant, Nora Lee Sullivant, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Katy Florence Baker, Laura L. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Nola F. Lynch, Nora P. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Nora Morris, Minnie O. Morris, Olenmett V. Morris, Thomas Martin, Minnie Coday, Mary Coday and Verdie Coday as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

M. L. S., S.

COPY

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED):

*James D. Smith*

Acting Chairman.

Registered.



COPY.

M.C.R. 1062

Muskogee, Indian Territory, July 28, 1902.

Esq. Geo. Sullivan,  
Woodbine, Texas.

Dear Madam:

You are hereby advised that on the 19th day of July, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Martin, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



JUL 25 1902  
JUL 25 1902  
JUL 25 1902

Muskogee, Indian Territory, July 25, 1902.

Mr. L. Collins,

Trey, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13rd instant, in which you state you are requested by Sullivan et al., claimants as Mississippi Choctaws, to ascertain the present status of their cases and whether they have any chance of enrollment as citizens of the Choctaw or Chickasaw Nations and whether they have been rejected or not.

In reply you are informed that the records of the Commission do not show that any persons by the name of Sullivan have ever made application for enrollment as citizens of the Chickasaw Nation. The records of the Commission do show however that Wesley W. Sullivan and minor children Frances J. Sullivan and Nora Lee Sullivan, residence, Woodbine, Texas, are applicants to this Commission for identification as Mississippi Choctaws. If these are the persons concerning whom you make inquiry, you are informed that the Commission, on May 27, 1902, rendered its decision refusing the applications for identification as Mississippi Choctaws of these persons, and on the same date they were notified of such

O. L. C.-2.

decision and the forwarding of the record to the Secretary of the Interior for review. The several applicants will be notified in the event of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

No. 1083

For Identification as a Mississippi Choctaw.

Date

NOV 27 1900

Name *Nora Lee Sullivant.*

Age *22.* Blood *1/32.*

Post Office, *Woodbine, Texas.*

Father: *Thomas B. Sullivant - ✓*

Mother: *Frances J. Sullivant - ✓*

Claims through *mother*

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

NOV 27 1900

 ACTING CHAIRMAN.

*Stenographer:*  
*Wellshear.*

Choc MCR 1084 Barton B. Martin

See MCR 2467

MCR 1084

*Carton O. Martin*

**REFUSED.**

DECISION RENDERED: MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 27 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 27 1902

RECORD FORWARDED DEPARTMENT.

MAY 27 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUL 19 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL 28 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 28 1902

REFER TO M.C.R. 1467

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T. November 27th, 1900.

In the matter of the application of Barton B. Martin for identification as a Mississippi Choctaw.

The said Barton B. Martin, being duly sworn, was examined by the Commission, and testified as follows:

- Q What is your name? A Barton B. Martin.
- Q What is your age? A Twenty-one.
- Q What is your post office address? A Uz, Texas.
- Q That is a post office? A Yes, sir.
- Q U-z? A Yes, sir.
- Q Are you a resident of the State of Texas? A Yes, sir.
- Q How long have you resided there? A All my life. I was born there.
- Q You never maintained a residence anywhere else? A No, sir.
- Q How much Choctaw blood do you claim? A One thirty-second.
- Q What is your father's name? A James Robert Martin.
- Q Is your father living? A Yes, sir.
- Q What is your mother's name? A Terrie Martin.
- Q Is your mother living? A Yes, sir.
- Q Through with one of your parents are you claiming your Choctaw blood? A My father.
- Q Is your father's name on any of the tribal rolls of the Choctaw Nation? A No, sir; I reckon not.
- Q Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in that Nation? A No, sir; I haven't.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A No, sir.
- Q Did you, or did any one in your behalf, in 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir; not that I know of.
- Q Did you? A No, sir.
- Q Did you authorize anybody to do it for you? A No, sir.
- Q Have you any reason to believe that any application has been made for you? A No, sir.
- Q Did any of your relatives ever make application? A No, sir; I reckon not.
- Q Did you ever hear of the Act of Congress of June 10th, 1896 prior to this time? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.
- Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A Why, I don't know whether I understood the question.
- Q Have you, or has any application ever been made in your behalf, prior to this time, to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A No, sir.
- Q This is your first application of any description made by you or on your behalf as a Choctaw? A Yes, sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.



Barton B. Martin--2.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Why, I have been taught that, is all the reason.

Q That you were entitled to rights under the 14th article of the treaty of 1830? A Yes, sir.

Q You are making your claim as a beneficiary under the 14th article of that treaty? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I don't know whether they did or not.

Q What was the name of your ancestor who was a resident of the State of Mississippi and a recognized member of the Choctaw tribe of Indians at the time that treaty was entered into between the United States and the Choctaws? A Widow Burris.

Q What relation is she to you? A Why, I don't know, hardly. I reckon about a great great grandmother.

Q Are you a direct lineal descendant of hers? A Yes, sir; I guess so.

Q Have you any evidence of that fact? A I expect to furnish it.

Q Have you any evidence showing that the Widow Burris was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes,--No, sir.

Q If she was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi, her intention to remain and become a citizen of the States within six months after the ratification of that treaty? A I don't know.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Why, I don't know anything about it.

Q Do you make any claim under any other treaty stipulations entered into between the United States and the Choctaw tribe of Indians? A No, sir.

Q You have been a resident of the State of Texas for twenty-one years? A Yes, sir.

Q Do you know how long your father had been a resident of Texas at the time of your birth? A Not exactly; I think though about forty years.

Q Do you know when he came, or where he came from to Texas? A Missouri.

Q Was he born in Missouri? A I think so.

Q How old is your father? A Why he is fifty-four I think.

Q You say he had been a resident of the State of Texas forty years before you were born? A Oh, no. Not before.

I guess about nineteen or twenty years before.

Q He was born in Missouri, was he? A Yes, sir.

Q And you say he is about fifty-four years of age?

A Yes, sir.

Q Do you know where his people came from to Missouri?

A No, sir.

Q Do you know anything about his parents? A No, sir.

Q Do you know anything about the Widow Burris' residence in Mississippi? A No, sir.

Q Do you know where she died? A No, sir; I don't.

Q Do you know whether she ever left Mississippi? A No, sir.

Q Are you married? A No, sir.

Q Have you ever been married? A No, sir.



Barton B. Martin---3.

Q You are making this application solely on your own behalf, are you? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application? A No, sir.

Q Is there any written evidence you desire to file or offer the Commission in support of your application?

MR. L. P. Hudson (Counsel for applicant) Here attorney for applicant asks leave to file written evidence in support of this claim within fifteen days from this day.

BY THE COMMISSION: Permission is granted the attorney for the applicant to file written evidence in support of this claim provided the same is offered for filing with the Commission within fifteen days from this date.

The decision of the commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future at your present post office address.

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Wm. S. Wellshear, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application for identification, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 28th day of November, A. D. 1900.

*W. S. Wellshear*  
*Guy L. Emerson*  
Notary Public.

Muskogee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14, inclosing affidavits to be filed with the following Mississippi Choctaw cases:

1084, Barton B. Martin, et al.  
772, Artie Perry.

The papers have been filed with the other records in the above named cases.

Yours truly,

Acting Chairman.

AB

COPY

Muskogee, Indian Territory, May 27, 1902.

Barton B. Martin,

Us, Texas.

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William F. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

William F. Martin, et al.,	M.C.R. 2467;
Sarah E. Reagan, et al.,	M.C.R. 1216;
Wesley W. Sullivan, et al.	M.C.R. 1080;
Frances J. Sullivan, et al.	M.C.R. 1081;
Nora Lee Sullivan,	M.C.R. 1083;
Mary E. Baker, et al.,	M.C.R. 1082;
Barton B. Martin,	M.C.R. 1084;
Rosa A. Minor, et al.,	M.C.R. 1216;
Mary E. Lynch, et al.,	M.C.R. 2591;
Nancy F. O'Neal, et al.,	M.C.R. 2423;
Nora Morris, et al.,	M.C.R. 2425;
Thomas Martin,	M.C.R. 2468;
Minnie Coday, et al.,	M.C.R. 2669.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1906, (34 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Four.

teen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William P. Martin, Cora Martin, Henry Martin, Sarah E. Reagan, Rosa E. Reagan, Lula Myrtle Reagan, William Walter Reagan, Lillie Ethel Reagan, Lelar Reagan, Ora Elizabeth Reagan, Wesley W. Sullivant, Artie Benton Sullivant, Frances J. Sullivant, Susan Emiline Sullivant, Minnie Ellen Sullivant, John Thomas Sullivant, James Henry Sullivant, Nora Lee Sullivant, Mary E. Baker, Rosa E. Baker, Georgie Alice Baker, John Wesley Baker, Minnie Myrtle Baker, William Arthur Baker, Lety Florence Baker, Laura I. Baker, Barton B. Martin, Rosa A. Minor, Johnnie B. Minor, Mary E. Lynch, Harry A. Lynch, Nola P. Lynch, Nora P. Lynch, Nancy P. O'Neal, Arthur W. O'Neal, John T. O'Neal, Charles L. O'Neal, Nora Morris, Minnie C. Morris, Clemmett V. Morris, Thomas Martin, Minnie Ceday, Mary Ceday and Verdie Ceday as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

B. M., 3

COPY.

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tams Dixby*

Acting Chairman.

Registered.

COPY.

M.C.R. 1084

Muskogee, Indian Territory, July 28, 1902,

Barion B. Martin

Osage, Texas

Dear Sir:

You are hereby advised that on the 19th day of July 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Martin, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Yours truly,

(SIGNED)

Commissioner in Charge.



For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Barton B. Martin.

Age 21. Blood 1/32.

Post Office, W. Texas.

Father: James P. Martin - ✓

Mother: Jennie Martin - ✓

Claims through Father.

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900



ACTING CHAIRMAN.

Stenographer:

Wellshear.



Choc MCR 1085 Rufus Beam

see MCR 1086-1087-1088-4388-4390

1740 & 3446

MCR 1085

RECORDED  
DECISION RENDERED

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 20 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 20 1902

RECORD FORWARDED DEPARTMENT.

MAY 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL - 2 1902

REFER TO M. C. R.

1086, 1087, 1088,

4388, 4390, 1740.

c 3446

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE TIE CIVILIZED TRIBES.  
Muskogee, I. T. November 29th, 1900.

In the matter of the application of Rufus F. Beam for the identification of himself, his wife and four minor children? as Mississippi Choctaws.

The said Rufus F. Beam, being duly sworn, was examined by the Commission and testified as follows:

Q What is your name? A Rufus F. Beam.

Q What is your age? A I am sixty-three years old.

Q What is your post office address? A Hagar Oklahoma.

Q Are you a resident of Oklahoma? A Yes, sir.

Q How long have you resided there? A About seven or eight years, somewhere along there.

Q Have you maintained a continuous residence there for that length of time? A Yes, sir.

Q Where did you live before that? A I lived over here---I lived in Texas just before that.

Q Where were you born? A In North Carolina.

Q When, in what year? A In 1837.

Q How long did you live there? A I lived there until 1867.

Q When where did you go? A To Iowa.

Q How long did you stay there in Iowa? A I staid there about a year.

Q Then where did you go? A To Missouri.

Q How long did you stay in Missouri? A Two or three years.

Q You went from there where? A Arkansas.

Q How long did you remain in Arkansas? A I don't know exactly perhaps eight or ten years.

Q Where did you go from Arkansas? A To the Choctaw Nation.

Q What part of the Choctaw Nation? A To Stringtown on this M. K. & T Railroad.

Q When was that? A I think it was in 1875 to the best of my knowledge.

Q How long did you stay there then? A I staid there about three or four years, I am not certain which.

Q What were you doing in the Choctaw Nation? A I was there practicing medicine and running some machinery in the Choctaw Nation.

Q Where did you go to from the Choctaw Nation? A I went to Texas.

Q How long did you stay in Texas? A I staid there about four or five months.

Q Then where did you go to? A I went back to Arkansas.

Q How long did you stay in Arkansas this time? A I didn't stay but about one year, I don't believe,--well, perhaps I staid fifteen or sixteen months.

Q Then where did you go? A I went back to Texas.

Q Where did you go from Texas? A Let's see, I believe I went to the Chickasaw Nation at that time to Stonewall.

Q What were you doing there then? A Practicing medicine.

Q How long did you stay there? A I don't know exactly how long I did stay at Stonewall, perhaps a month or six weeks.

Q Where did you go from there? A I believe I went to Arkansas.

Q Did you ever go back to the Indian Territory after that? A Yes, sir.

Q When? A I don't remember the year--when they was building that Frisco road I went to Tuskahoma. Do you know where that is?

Q Yes, sir. A It is the capital, I believe, of the Choctaw Nation.

Rufus F. Beam et al----2.

Q How long did you stay in the Territory at that time? A Well we staid there about a year or a year and a half.

Q Then where did you go? A I went to Texas.

Q How long did you stay in Texas that time? A Well, sir; I couldn't tell you the precise time for it is impossible.

Q Did you ever come back to the Indian Territory again? A No, sir.

Q Then you have been in the Indian Territory three times? A Yes, sir.

Q Were you ever here with the intention of making it your permanent home or residence? A Yes, sir; I have had that intention but never-----

Q (interrupting) During your residence in the Indian Territory were you ever recognized by the authorities of either the Choctaw or the Chickasaw Nations as citizens of those two Nations? A Well, no sir, not as a citizen, but I can tell you a circumstance here.

Q All right, sir. A There was a Methodist Minister riding a circuit----

Q (interrupting) When was that? A That was when I lived at Stringtown.

Q What year? A That must have been 1876 or 1877 I guess--- and there was two parties, Mr. Moore and his wife, lived down at Wachita, and whilst parson Colet was down there he stepped with them, and he got to talking about me, and they wanted Colet to tell me to come down to the Council, that if I would come down I could prove a right. But then I didn't do it, and why I didn't I was sick from,--I was suffering from malarial toxina, and I was sick for five years, and I didn't go there. I didn't want to go there much under the tribal laws.

Q How much Choctaw blood do you claim? A I claim one eighth

Q What is your father's name? A Joshua Beam.

Q Is he living? A No, sir; he is dead.

Q What is your mother's name? A Matilda.

Q Is she living? A She is dead.

Q Through which one of your parents do you claim your Choctaw blood? A I claim it from my grandmother.

Q Through which one of your parents? A Well, it comes through my father.

Q Was your father ever a recognized ~~member~~ as a citizen of the Choctaw Nation by the Choctaw tribal authorities? A No, sir; I reckon not.

Q Was his name ever on any of the tribal rolls of the Choctaw Nation? A Not that I know of.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A Not that I know of.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A I never have, sir.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A No, sir.

Q Did you or did any one on your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No, sir.

Q This is the first application you have ever made of any Description? A Yes, sir; the first I have ever made.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A That is my object, yes, sir.

Q Why do you believe you are entitled to identification by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of the 14th article of the treaty of 1830? A Well, because I have evidence that we had relatives that lived in the Mis-

Mississippi reservation.

Q You are making your claim then as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Are you familiar with the 14th article of that treaty? A Well, not very familiar, but I think I understand that Section 14: that old section of land was charged by the United States with the Indians for this western land. I may be wrong, but that is about the idea I had about it, and I believe that is about like it is.

Q The whole substance of the treaty was providing for the removal of the Choctaw Indians in Mississippi to the present Choctaw and Chickasaw countries west of the Mississippi river. It was the desire of the government to remove them from the State of Mississippi.

A Yes, sir.

Q And in exchange for the Choctaw lands in Mississippi the government granted them what is now the present Choctaw and Chickasaw nations in the Indian Territory. A Yes, sir.

Q Under the fourteenth article of that treaty it was agreed that if any Choctaw Indian desired to remain in Mississippi and become a citizen of that State, he or she might do so upon signifying to the United States Indian Agent within six months after the ratification of that treaty their intention to so remain and become citizens. It was then required that they live on a single tract of land which was set as do to them and to their children for the period of five years, and after such residence they were to be granted a fee simple title to that land. It was also provided in the 14th article of this treaty that those parties who took advantage of the right to remain and become citizens of the United States should not lose the rights of Choctaw citizenship, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A I don't know as I understand you exactly. I don't know exactly but I don't think they did, however I would like to understand it before I answer. I don't think they did however.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi at the time this treaty was made? A Aaron Rudolph.

Q Now, what relation was Aaron Rudolph to you? A He was my grandfather.

Q Was he a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes, sir.

Q Have you any evidence of that fact? A Yes, sir.

Q Have you any evidence showing you are a direct lineal descendant of his? A Yes, sir.

Q Did Aaron Rudolph signify to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratification of this treaty his intention to remain and become a citizen of the United States? A Well, sir; I don't know as I could answer that question correctly. I rather think he did, but then I am not positive on that.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know, sir.

Q Are you making any claim under any other treaty stipulations between the United States and the Choctaw Indians? Do you claim under any other treaty stipulations? A I claim under all the treaties.

Q The Commission is only empowered to hear applicants for identification under the 14th article of the treaty of 1830. A Yes, sir.

Rufus F. Beam, et al---2.

Q Under what other articles or treaties do you claim that give you any rights? A Well, I don't know; under all though.

Q Well, we would like to know under what special article of any treaty that affects you in any way. A Why, my descendents being citizens and living in Mississippi.

Q Your descendents? A No, my ancestors.

Q Well, you are claiming then only under this 14th article of the treaty of 1830. A I am claiming under all the treaties.

Q What do you mean by claiming under the other treaties? How do any other treaties between the United States and the Choctaw Indians effect you? Were you ever provided for in any treaty between the United States and the Choctaw Indians? A No, sir.

Q Do any treaty stipulations between the United States and the Choctaw Indians in any way effect your rights, other than this 14th article of the treaty of 1830? A None more than my ancestors being there.

Q Are you making your claim then under this 14th article of the treaty of 1830? A Yes, sir.

Q Are you claiming under any other stipulations? A Under the 14th.

Q Are you making any other? A No, that is the main.

Q Are you making your claim solely as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A Lettie Beam.

Q Is she a white woman? A No, sir.

Q What is she? A She is one-eighth Indian.

Q She claims to be a Choctaw Indian, does she? A Yes, sir.

Q Does she claim the right of identification as a Mississippi Choctaw under the 14th article of the treaty of 1830? A Yes, sir.

Q Is your wife here? A Yes, sir; there she is.

Mrs. Lettie Beam, being duly sworn, was examined in her own behalf, and testified as follows:

BY THE COMMISSION:

Q What is your name? A Lettie Beam.

Q What is your age? A Sixty.

Q How long have you been the wife of Rufus F. Beam? A I don't remember. We was married in 1867 I think.

Q You have been married to him since 1867? A That is all I can remember.

Q You have lived with him since then? A Yes, sir.

Q Your residence has been the same as his? A Yes, sir.

Q Now, where did you marry him? A At Bentonville we were married.

Q Were you residents of the State of Arkansas at that time?

A Yes, sir.

Q How long prior to your marriage had you resided in Arkansas?

A I don't remember how long.

Q At that time were you just traveling through the country?

A Yes, sir.

Q Where were you born? A North Carolina.

Q When? A In 1841.

Q How long did you live in North Carolina? A I lived there until I was twenty-six years old.

Q Then you removed from there to where? A To Iowa.

Q How long did you remain in Iowa? A About a year.

Q Then where did you go? A To Missouri.

Q How long did you remain in Missouri? A Two years I believe.

Q From there where did you go? A From there we went to Arkansas.



Q Is that where you met your husband? A No, I met him at Bentonville.

Q That is in Arkansas. A Yes, sir.

Q That is where you married him? A Yes, sir.

Q You had never been a resident of the State of Mississippi or of the Indian Territory up to the time you were married to your husband? A No, sir.

Q We have his testimony since that time. How much Choctaw blood do you claim? A One-eighth.

Q What is your father's name? A Philip Froneberger.

Q Is he living? A No, he is dead.

Q What is your mother's name? A Susan Froneberger.

Q Is your mother living? A No, she is dead.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q Was your mother ever during her life time recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation?

A No, sir.

Q Was her name ever on any of the tribal rolls of the Choctaw Nation? A Not that I know of.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A I guess not.

Q Did you ever make any application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A I never did.

Q Have you ever been recognized by any official act of the Choctaw National Council as a citizen of the Choctaw Nation? A No, sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States courts in the Indian Territory? A No, sir.

Q Have you prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.

Q This is your first application of any description, is it? A Yes, sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A No, sir. We can prove that we are of Indian blood.

Q Are you making your claim as a beneficiary under the 14th article of the treaty of 1830? A Why yes.

Q You have heard me explain to your husband the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No, sir.

Q What was the name of your ancestor who was a member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into? A Rudolph.

Q What is his full given name? A Aaron Rudolph.

Q You and your husband are cousins? A Yes, sir.

Q You claim, then, through the same ancestor? A Yes, sir.

Q Are your mother and his father brother and sister? A No response.

Q You and your husband are cousins are you? A Yes, sir.

Q Now, which ones of your parents are brother and sister?

A My mother.



Rufus F. Beam et al-----6.

Q Your mother was your husband's father's sister, or how was that? A My mother.

Q Your mother was what? A My mother was Beam.

Q Your mother and your husband's father's brother are brothers and sisters? A Yes, sir.

Q You stated you were born in North Carolina sixty years ago? A Yes, sir.

Q How long had your parents been residents of the State of North Carolina before your birth? A Always.

Q They were born in North Carolina, were they? A Yes, sir.

Q And had always lived there? A Yes, sir.

Q Your parents had never resided in the State of Mississippi?

A Why I don't know that they ever had. My parents traveled about a great deal.

Q Were they ever recognized members of the Choctaw tribe of Mississippi Indians in 1830? A No, sir.

Witness excused.

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(Examination of Rufus F. Beam continued.)

Q You stated you were born in North Carolina sixty three years ago, and that since that time you had never maintained a residence in the State of Mississippi, but had on three occasions made a residence in the Indian Territory for the purpose of practicing medicine? A Yes, partly.

Q How long had your parents been residents of the State of North Carolina prior to your birth? A Well, a good long while.

Q About how long? A Well, my grandfather-----

Q (interrupting) I don't care about your grandfather, your parents.

A Well, my father was born in 1800.

Q Where was he born? A He was born in North Carolina.

Q You claim your right to Choctaw blood through your father? A Yes, sir.

Q And he lived in North Carolina from the time he was born up until your birth? A Yes, sir.

Q And he never did during that time maintain a residence in the State of Mississippi? A No, sir.

Q And never had been during that time recognized by the Choctaw Indians in Mississippi as a member of that tribe, had he? A No, sir; I think not.

Q It is your desire to make application for the identification of your minor children? A Yes, sir.

Q How many children have you under twenty-one and unmarried? A I have four.

Q What are their names and ages? A Myrtle Beam.

Q How old? A Twenty.

Q The next one? A Charlie Beam.

Q How old is Charlie? A Eighteen.

Q The next child? A Eddie Beam.

Q How old is Eddie? A He is about seventeen, I think.

Q The next one? A Bessie.

Q How old is Bessie? A Bessie is fifteen.

Q Are you the father of these four children? A I think so, yes, sir.

Q Lettie Beam, your wife, is the mother of all four of them?

A Yes, sir.

Q The claim for these children is through you and your wife who claim Choctaw blood through the same foreparents? A Yes, sir.

Q These children have always lived with you at your home? A Yes, sir.

Q Their residence has always been identical with yours? A

Rufus W. Bean et al---7.

Yes, sir.

Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your wife and minor children? A I would like to have a little extension of time. I would like to produce some more evidence.

BY THE COMMISSION: Permission is granted the applicant to file written evidence in support of this application provided the same is offered for filing with the Commission within fifteen days hereof.

THE APPLICANT: I desire to correct that statement in my testimony Aaron Rudolph was my great grandfather.

Q Aaron Rudolph is not your grandfather? A No, sir.

Q But your great grandfather. Is that what you desire to correct? A Yes, sir. And his daughter, Elizabeth Rudolph was my grandmother.

BY THE COMMISSION: There is filed herein the affidavits of Betsey Vinnie Waterson, Mary Ann Homesley and Robt Cobbins, which are marked exhibit A and made a part of the record in this case.

BY THE COMMISSION: The decision of the Commission as to your application for identification as a Mississippi Choctaw and the application you make on behalf of your wife and four minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address.

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Wm. S. Wellshear, being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application for identification, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of November  
A. D. 1900.

*W. S. Wellshear*  
*Guy L. V. Emerson*  
Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee I.T. December 19, 1901.

In the matter of the application for identification as Mississippi Choctaws of Rufus F. Beam et al., M. C. R. 1086.

In the matter of the application for identification as a Mississippi Choctaw of Aaron R. Beam M. C. R. 4388.

In the matter of the application for identification as Mississippi Choctaws of David C. Beam et al., M. C. R. 4390.

Aaron R. Beam under oath testifies as follows:

Examination by the Commission

- Q What is your name? A Aaron R. Beam.
- Q What is your age? A Sixty-three.
- Q What is your post-office address? A Waco, North Carolina.
- Q You are the same Aaron R. Beam who made application before this Commission yesterday for identification as a Mississippi Choctaw? A Yes sir.
- Q How much Choctaw blood do you claim? A I suppose about one-fourth, I can't hardly tell. I claim that.
- Q You were born in North Carolina? A Yes sir.
- Q You are sixty-eight years of age? A Sixty-three.
- Q Sixty-three? A Yes sir.
- Q Have you any other Indian blood besides Choctaw? A Not that I know of.
- Q Did you ever claim to have any Cherokee blood? A No sir.
- Q What is your mother's name? A Annie Long before marriage.
- Q Your people always lived in North Carolina? A Yes sir my father and mother did.
- Q You claim your Choctaw blood through both of your parents? A Yes sir.
- Q Did their parents live in North Carolina? A They lived in North Carolina until about 1806, most of them went to Mississippi except my grandmother to the best of my knowledge.
- Q What was your grandmother's name? A Her name before she married was Elizabeth Rudolf.
- Q Is she the woman through whom you claim your right now as a Mississippi Choctaw? A Yes sir.
- Q Elizabeth Rudolf a Choctaw Indian? A Yes sir that is what has always been handed down to us and of course she came from the Choctaw Nation, she originally came from Pierson County.
- Q What State? A North Carolina.
- Q When did you first hear of the Choctaw Indians living in North Carolina? A Well it has always been.
- Q Is it not a fact now, that within the past two or three years when you first began to prosecute your claim for citizenship in the Indian Territory that you claimed to be descended from a Cherokee Indian? A No sir because the Cherokees lived East of the Blue Ridge Mountains.
- Q Are you a full brother of Rufus F. Beam? A No sir full cousin.
- Q He claims his right to be identified as a Mississippi Choctaw through Elizabeth Rudolf? A Yes sir, they originally came from Pierson County.
- Q What knowledge have you of the Choctaw tribe ever residing in North Carolina? A Well we have no knowledge of it, only that there was different tribes living in North Carolina and we claim that we are of that tribe of Indians that lived in that section of the Country. We can't go back farther then what has been handed down to us. There were different tribes living there.

#2

- Q What different tribes lived there? A The Cherokees lived in West North Carolina, the Choctaws in the Central and the Tuscaroras in the North East.
- Q What do you mean by the Choctaws living in Central North Carolina? A That is what was said.
- Q Have you any knowledge as a historical fact that the Choctaws lived in North Carolina? A I can't tell you the history only what has been handed down to us. That they were there and that we were said to be of that blood.
- Q All the records of the United States government show that the Choctaw Indians as a recognized Tribes occupied lands in the States of Mississippi and Alabama from the institution of any branch of government? A They formerly lived in North Carolina, a great many of them did. I can't repeat the history of the Indians only what has been handed down and told us, that there were six or seven tribes there.
- Q What do you mean by the treaty of 1806? A I don't understand that treaty, only that it has been handed down to us that they were given a reservation in North Carolina and that all those who wanted to stay there could do so and all that wanted to could go to Mississippi.
- Q Who was this treaty of 1806 made between? A The government and the Indians?
- Q What Indians? A The different tribes.
- Q What different tribes? A I can't tell you.
- Q Can you cite us the clause of that treaty that gave to those Indians in North Carolina the right to stay there and take land there? A No sir I cannot not.

A Telle under oath testifies as follows:

- Q What is your name? A A. Telle.
- Q What is your age? A Forty-two.
- Q Are you a citizen by blood of the Choctaw Nation Indian Territory? A Yes sir.
- Q What is your profession? A Attorney at Law.
- Q You are well versed in the customs and have knowledge of the different treaties entered into between the United States and the Choctaw Indians? A Yes sir.
- Q Did you ever know of any treaty of 1806 between the United States and the Choctaw Indians? A No sir.
- Q You ever know of the Choctaw Indians having a reservation in North Carolina in 1806? A No sir.
- Q Did you ever hear of the Choctaw Indians having a reservation in North Carolina? A No sir.
- Q Where was the Territory occupied by the Choctaw Nation before they moved to the Indian Territory? A What is now known as the State of Mississippi and a part of the State South of it and a little North.
- Q It went over into Alabama? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 19th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 31 day of December 1901.

*G. Rosenwinkel*  
Commissioner.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee I.T. December 19, 1901.

In the matter of the application for identification as Mississippi Choctaws of Rufus F. Beam et al., M. C. R. 1086.

In the matter of the application for identification as a Mississippi Choctaw of Aaron R. Beam M. C. R. 4388.

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Q You were born in North Carolina? A Yes sir.  
Q You are sixty-eight years of age? A Sixty-three.  
Q Sixty-three? A Yes sir.  
Q Have you any other Indian blood besides Choctaw? A Not that I know of.  
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Q What is your mother's name? A Annie Long before marriage.  
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Q You claim your Choctaw blood through both of your parents? A Yes sir.  
Q Did their parents live in North Carolina? A They lived in North Carolina until about 1806, most of them went to Mississippi except my grandmother to the best of my knowledge.  
Q What was your grandmother's name? A Her name before she married was Elizabeth Rudolf.  
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Q Elizabeth Rudolf a Choctaw Indian? A Yes sir that is what has always been handed down to us and of course she came from the Choctaw Nation, she originally came from Pierson County.  
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Q He claims his right to be identified as a Mississippi Choctaw through Elizabeth Rudolf? A Yes sir, they originally came from Pierson County.  
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- Q It went over into Alabama? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 19th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 21 day of December 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Rufus F. Beam, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of

Rufus F. Beam, et al.,	M C R 1085
Minnie Teddlie, et al.,	M C R 1086
Joshua P. Beam, et al.,	M C R 1087
Rufus L. Beam,	M C R 1088
Aaron R. Beam,	M C R 4386
David C. Beam, et al.,	M C R 4390
Fluella Frost, et al.,	M C R 1740
Eliza Calhoun,	M C R 3446

List of papers forwarded to the Secretary of the Interior  
with the record in the above case, together with  
the page occupied by each in said re-  
cord.

	Page.
Original application of Rufus F. Beam, et al., for identification as Mississippi Choctaws.	1
Ex parte affidavit of Betsy Viney Waterson.	8
Ex parte affidavit of Mary Ann Homesley.	9
Ex parte affidavit of Robert Cobbins.	10
Marriage record between Myrtle May Beam and J. P. Karber.	10a
Birth affidavit of Mittie Mabel Karber.	10b
Original application of Minnie Teddlie, et al., for identification as Mississippi Choctaws.	11
Original application of Joshua P. Beam, et al., for identification as Mississippi Choctaws.	14
Marriage certificate between Joshua P. Beam and Maud H. Faust.	17a
Original application of Rufus L. Beam for identification as a Mississippi Choctaw.	18



2.

Original application of Aaron R. Beam for identification as a Mississippi Choctaw.	Page. 21
Ex parte affidavit of Aaron R. Beam.	27
Ex parte affidavit of Elisabeth Sarah Barrett.	29
Ex parte affidavit of Thomas Kendrick.	30
Original application of David C. Beam, et al., for identification as Mississippi Choctaws.	32
Original application of Flueella Frost, et al., for identification as Mississippi Choctaws.	39
Ex parte affidavit of Nelson Hammonds.	42
Original application of Eliza Calhoun for identification as a Mississippi Choctaw.	43
Ex parte affidavit of R. F. Beam.	49
Final decision of the Commission in the consolidated case of Rufus F. Beam, et al., for identification as Mississippi Choctaws, denying said application.	50

V.F.  
JRB  
C. & W.  
W. C. B.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rufus F. Beam, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of

Rufus F. Beam, et al.,	M C R 1086
Minnie Teddlie, et al.,	M C R 1086
Joshua F. Beam, et al.,	M C R 1087
Rufus L. Beam,	M C R 1088
Aaron R. Beam,	M C R 4388
David C. Beam, et al.,	M C R 4390
Fluella Frost, et al.,	M C R 1740
Eliza Calhoun,	M C R 3446

DECISION:--

The record in the above consolidated case shows that  
there were, originally, eight applications made separately by the  
parties named at the times and places herein set forth, to-wit:

In the matter of the application of Rufus F. Beam for  
the identification of himself, his wife, Lettie Beam, and his  
four minor children, Myrtle, Charlie, Eddie and Bonnie Beam, as  
Mississippi Choctaws, taken at Muskogee, Indian Territory, November  
27, 1900.

In the matter of the application of Minnie Teddlie for  
the identification of herself and her four minor children, Gomer,  
Pauline, Minnie and John F. Teddlie, Jr., as Mississippi Choctaws,

taken at Muskogee, Indian Territory, September 27, 1900.

In the matter of the application of Joshua P. Beam for the identification of himself and his two minor children, Charles Rufus and Joshua Philip Beam, as Mississippi Choctaws, taken at Muskogee, Indian Territory, November 27, 1900.

In the matter of the application of Rufus L. Beam for the identification of himself as a Mississippi Choctaw, taken at Muskogee, Indian Territory, November 27, 1900.

In the matter of the application of Aaron R. Beam for the identification of himself as a Mississippi Choctaw, taken at Muskogee, Indian Territory, December 18, 1901.

In the matter of the application of David C. Beam for the identification of himself and his minor child, Mary Elizabeth Beam, as Mississippi Choctaws, taken at Muskogee, Indian Territory, December 19, 1901.

In the matter of the application of Flossie Frost for the identification of herself and her three minor children, Beatrice, Willie and Fred Frost, as Mississippi Choctaws, taken at Atoka, Indian Territory, April 20, 1901.

In the matter of the application of Eliza Calhoun for the identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, September 5, 1901.

In accordance with Departmental instructions of June 10, 1901 and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications into the consolidated case of Rufus F. Beam, et al., the applicants claiming descent from the same common ancestor, and while these several applications

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have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of Rufus F. Beam, et al., that on November 27, 1900, the said Rufus F. Beam appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself, his wife, Lettie Beam, and his four minor children, Myrtle, Charlie, Eddie and Bonnie Beam, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Joshua Beam, an alleged Choctaw (degree of blood not given) and Matilda (last name and blood not given), who are the parents of this applicant, and he claims descent for his wife, Lettie Beam, from Susan Froneberger, an alleged Choctaw (degree of blood not given) and Philip Froneberger (blood not given), who are the parents of the said Lettie Beam.

The record in this case further shows that the principal applicant, Rufus F. Beam, and his wife and four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission. It is also shown that

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have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of Rufus F. Beam, et al., that on November 27, 1900, the said Rufus F. Beam appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself, his wife, Lettie Beam, and his four minor children, Myrtle, Charlie, Eddie and Bennie Beam, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Joshua Beam, an alleged Choctaw (degree of blood not given) and Matilda (last name and blood not given), who are the parents of this applicant, and he claims descent for his wife, Lettie Beam, from Susan Froneberger, an alleged Choctaw (degree of blood not given) and Philip Froneberger (blood not given), who are the parents of the said Lettie Beam.

The record in this case further shows that the principal applicant, Rufus F. Beam, and his wife and four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever

been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the oral statement of his said wife, Lettie Beam, and the ex parte affidavits of Betay Viney Waterson, Mary Ann Homesley and Robert Cobbins. By the oral statement of the principal applicant it is attempted to be shown that he was born in North Carolina in about the year 1837, and at the time of the making of his original application was a resident of Oklahoma, and it appears that on three separate occasions, but dates not given, he had removed to Indian Territory and had resided there for periods of from one month to three years at a time, and that he claims to be an one eighth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father to his grandmother, Elizabeth Rudolph, and his great grandfather, Aaron Rudolph, who he claims was a recognized member of the Choctaw tribe of Indians in 1830, and who he thinks attempted to comply with the provisions of article fourteen of the treaty of 1830, but he states that his said father, Joshua Beam was born in North Carolina in 1800 and lived there continuously until the birth of the principal applicant herein in 1837, and never during that time was recognized by the Choctaw tribe of Indians in Mississippi as a member of that tribe, so that it appears from his testimony that his alleged Choctaw father who was living in 1830

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could not have complied with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek." By the oral statement of Lettie Beam it is attempted to be shown that she was born in the state of North Carolina in the year 1841 and it does not appear that she has ever resided in Indian Territory, and she claims to be an one eighth blood Choctaw. She says that she is a cousin of her husband, and attempts to trace her alleged Choctaw descent through her mother to an ancestor, Aaron Rudolph, relationship not given, who she claims was a member of the Choctaw tribe of Indians in Mississippi in 1830, but she states that her said mother, Susan Froneberger, was born in North Carolina and always lived there, and was not a recognized member of the Choctaw tribe of Indians in 1830, so that her testimony shows that her said mother could not have complied with the provisions of article fourteen of the treaty of 1830, although from the date of the birth of this applicant it appears that her said mother must have been living in 1830. By the ex parte affidavits of Betsy Viney Waterson and Mary Ann Hemesley it is attempted to be shown that they were acquainted with Elisabeth Beam (nee Rudolph), presumably the grandmother of the principal applicant herein, and that she was known among her neighbors in North Carolina as a Choctaw Indian, and Mary Ann Hemesley adds that all the descendants of the said Elisabeth Beam look as if they had Indian blood in them. By the ex parte affidavit of Robert Cobbins it is attempted to be shown that many years ago the affiant knew a man named Aaron Rudolph who was a member of the Choctaw tribe of Indians in Mississippi. The record in this case further shows that on March 29, 1902, there was filed with the Commission to the Five



6.

Civilized Tribes the original marriage record between Myrtle May Beam and J. P. Karber, by which it appears that the said couple were married on May 8, 1901, and that there was on the same day filed with the Commission the birth affidavit of Mittie Mabel Karber, by which it appears that said Mittie Mabel Karber was born to Myrtle Karber and John Peter Karber on February 4, 1902. This marriage record and birth affidavit have been filed with and made a part of the original application of Rufus F. Beam, et al.

The next in order of the above applications is that of Minnie Teddlie, et al., and the record therein shows that on November 27, 1900, the said Minnie Teddlie appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her four minor children, Gomer, Pauline, Winnie and John F. Teddlie, Jr., as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Rufus Beam and Lettie Beam, both alleged Choctaws (degree of blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Minnie Teddlie, and her four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in

the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 521.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Missouri in about the year 1868 and that for three or four years prior to 1885 she resided in Indian Territory, and that she has resided elsewhere since 1885, and she claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through both of her parents to her great grandmother Elizabeth Rudolph, who she claims was a recognized member of the Choctaw tribe of Indians in 1830 in the state of Mississippi, but she further states that neither her said great grandmother, nor any other of her alleged Choctaw ancestors, ever claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830, nor is there anything in her testimony which would tend to show that any of her alleged Choctaw ancestors ever complied or attempted to comply with the provisions of said article of said treaty.

The next in order of the above applications is that of Joshua P. Beam, et al., and the record therein shows that on November 27, 1900, the said Joshua P. Beam appeared before the Commission at Muskogee, Indian Territory and there made personal application for the identification of himself and his two minor

children, Charles Rufus and Joshua Philip Beam, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Dr. Rufus Franklin Beam and Lettie Beam, both alleged one eighth blood Choctaws, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Joshua P. Beam, and his two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the marriage certificate between Joshua P. Beam and Maude H. Faust. By the oral statement of the principal applicant it is attempted to be shown that he was born in Missouri in about the year 1870, that at the time of the making of his original application he resided in Oklahoma, but that for about three years prior to the year 1895

he lived for a part of the time in Indian Territory, and he claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through both of his parents to his great grandmother, Elizabeth Rudolph, who he claims was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, but he does not state how she was so recognized, and expressly states that none of his alleged ancestors ever complied with the provisions of the fourteenth article of the treaty of 1830. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and his wife, and of the legitimacy of the issue thereof.

The next in order of the above applications is that of Rufus L. Bean, and the record therein shows that on November 27, 1900, the said Rufus L. Bean appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Rufus F. Bean and Lettie Bean, both alleged Choctaws, (degree of blood not given) and who are the parents of this applicant.

The record in this case further shows that the applicant, Rufus L. Bean, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name

found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the applicant, by which it is attempted to be shown that he was born in Arkansas in about the year 1872, and that at the time of the making of his original application he resided in Oklahoma, but that for about three years between 1870 and 1880 he resided in Indian Territory, and he claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through both of his parents to his great grandmother, Elizabeth Rudolph, who he claims was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, but he does not state how she was so recognized, and he further states that his said great grandmother never complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that his father was born in North Carolina, and that his father's father was born in the same state in 1800 and lived there until after 1830, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830.

The next in order of the above applications is that of

Aaron R. Beam, and the record therein shows that on December 18, 1901, the said Aaron R. Beam appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Peter Beam and Annie Beam, both alleged Choctaws (degree of blood not given), who are the parents of this applicant.

The record in this case further shows that the applicant, Aaron R. Beam, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, ( 29 Stats., 321.-)

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of the applicant, of Elizabeth Sarah Barrett and Thomas Kendrick. By the oral statement of the applicant it is attempted to be shown that he was born in North Carolina in



about the year 1838, has always since resided there, and claims to be about an one fourth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father to his grandmother, Elisabeth Beam (nee Rudolph) and through his mother to his grandfather, John Long, but he expressly states that his said father and mother were married and lived in the state of North Carolina in 1830, and that they never received any land from the United States government as Choctaw Indians, and there is nothing in his testimony to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of the applicant it is attempted to be shown that some of his relatives, named Beam, and Rudolph, were Choctaw Indians in the state of Mississippi, and that his alleged Choctaw grandfather, John Long, removed to Mississippi from North Carolina in 1806. By the ex parte affidavit of Elisabeth Sarah Barrett it is attempted to be shown that she knew the alleged Choctaw grandparents of the applicant and their families, and that the members thereof showed by their appearance that they were possessed of Indian blood and always claimed to be Choctaws. By the ex parte affidavit of Thomas Kendrick it is attempted to be shown that the applicant herein is descended from such ancestors as he has stated, and that he is truthful and of good character. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw



tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of David C. Beam, et al., and the record therein shows that on December 19, 1901, the said David C. Beam appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his minor child, Mary Elisabeth Beam, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Peter Beam, an alleged one fourth blood Choctaw, and Margaret Ann Streup (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, David C. Beam, and his minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the

provisions of the act of Congress of June 10, 1896, (29 Stats., 521.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in North Carolina in about the year 1861, and that for about two weeks prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father to his grandfather, Peter Beam, and his great grandmother, Elizabeth Rudolph, and "supposes", but does not know, that some of his alleged Choctaw ancestors were recognized members of the Choctaw tribe of Indians and attempted to comply with the provisions of article fourteen of the treaty of 1830, but there is nothing in his testimony, outside of his own supposition, which would tend to show that any of his alleged Choctaw ancestors were recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The next in order of the above applications is that of Fluella Frost, et al., and the record therein shows that on April 20, 1901, the said Fluella Frost appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself and her three minor children, Beat rice, Willie and Fred Frost, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions

of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from R. F. Beam and Lettie Beam, both alleged Choctaws, (degree of blood not given) who are the parents of this applicant.

The record in this case further shows that the principal applicant, Fluelia Frost, and her three minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is the ex parte affidavit of Nelson Hammonds. By the oral statement of the principal applicant it is attempted to be shown that she was born in Indian Territory in about the year 1875, and soon thereafter removed elsewhere, but that for about one month prior to the making of her original application she had again resided in Indian Territory, and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through both of her parents to her great grandmother, Elizabeth Rudolph, who she claims lived in

Mississippi in 1830, and she further claims that there is a tradition in her family that some of her ancestors named Beam, got land in Mississippi under article fourteen of the treaty of 1830, but she does not know the first names of the ancestors who got the land, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized

by the Choctaw tribal authorities in the old Choctaw Nation as members of that tribe of Indians. By the ex parte affidavit of Nelson Hammonds it is attempted to be shown that he once knew Joshua Beam in North Carolina, who affiant learned was an Indian and who was the father of Rufus Beam, who looks like an Indian. There is nothing in this ex parte affidavit which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The last in order of the above applications is that of Eliza Calhoun, and the record therein shows that on September 5, 1901, the said Eliza Calhoun appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be descended from Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Susanna Fronsberger, an alleged

Chectaw (degree of blood not given) and Philip Fromberger (blood not given) who are the parents of this applicant.

The record in this case further shows that the applicant, Eliza Galloway, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application, aside from the oral statement of the applicant, is the ex parte affidavit of R. F. Beam, the principal applicant in this group of consolidated cases. By the oral statement of the applicant it is attempted to be shown that she was born in North Carolina in about the year 1847, and that for about one month prior to the making of her original application she had been a resident of Indian Territory and had also resided in Indian Territory on different occasions for various periods of time during the past thirty-three years, and she claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her mother to her grandmother, Elizabeth Radolph, who she says was a recognized Choctaw Indian in the old Choctaw Nation in 1830, but in contradiction to this she states that her said grandmother lived in North Carolina in 1830 and never lived in Mississippi.

The applicant also states that her said mother was living in 1830, but there is nothing in her testimony to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of R. F. Bean it is attempted to be shown that Eliza Calhoun, presumably the applicant herein, is a sister of affiant's wife, who claims to be an one eighth blood Mississippi Choctaw Indian. There is nothing in this ex parte affidavit which would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that these several applicants herein have had sufficient time allowed them in which to present their testimony, considers these cases as closed and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the time of the making of their original applications, and the documentary evidence filed by them. By the evidence so submitted it is attempted to be shown that all the applicants herein attempt to trace their alleged Choctaw descent to an ancestor, Elisabeth Rudolph, who, it is claimed in most of the testimony, was living in Mississippi in 1830 as a recognized member of the Choctaw tribe of Indians, although



it is contradicted by some of the applicants herein who state that the said Elizabeth Rudolph then lived in the state of North Carolina. In addition the applicant, Aaron R. Beam, M. C. R. 4388, attempts to trace his alleged Choctaw descent through both of his parents, through his father to Elizabeth Rudolph, as above stated, and through his mother to his grandfather, John Long, and David C. Beam, M. C. R. 4390, is shown to have the same line of descent.

It is clearly established by the evidence that less remote alleged Choctaw ancestors of the applicants than Elizabeth Rudolph and John Long were living in 1830. The alleged Choctaw father of Rufus F. Beam, M. C. R. 1085, from whom descend Minnie Teddie, et al., M. C. R. 1086, Joshua P. Beam, et al., M. C. R. 1087, Rufus L. Beam, M. C. R. 1088 and Flucella Frost, et al., M. C. R. 1740, was Joshua Beam, and he is shown to have been living in North Carolina from 1800 to 1837. Peter Beam and Annie Beam (nee Long), the alleged Choctaw parents of Aaron R. Beam, M. C. R. 4388, as also the grandparents of David C. Beam, M. C. R. 4390, are shown to have been married and at the head of a family in North Carolina in 1830. Susan Froneberger (nee Beam), the mother of Eliza Calhoun, M. C. R. 3446, and Lettie Beam, the wife of Rufus F. Beam, M. C. R. 1085, is shown to have been living in 1830 as a child of about ten years. Hence these applicants cannot rely upon the compliance of a more remote ancestor, to-wit, Elizabeth Rudolph, with the provisions of article fourteen of the treaty of 1830, but must show, in order that they may be identified as Mississippi Choctaws, said Rufus F. Beam, and those applicants who are descended from him, such compliance on the part of Joshua Beam, the father of the



said Rufus P. Beam; the said Aaron R. Beam and his nephew, David C. Beam and minor children, on the part of one or the other of the alleged Choctaw parents of the said Aaron R. Beam; Peter Beam and Annie Beam; and the said Lottie Beam and Eliza Calhoun on the part of their said mother, Susan Froneberger (nee Beam), in each case, either as the Choctaw head of a family who complied with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," or as the living child of a recognized Choctaw head of a family who complied for said child, or was complied for as an orphan child of a recognized Choctaw Indian. The evidence entirely fails to establish any such proof and, in fact, it tends to show that the above named alleged Choctaw ancestors, whose compliance, as before stated these applicants must rely upon for their identification as Mississippi Choctaws, were in 1830 all living in the state of North Carolina, and therefore, could not have complied with the provisions of article fourteen of the treaty of 1830. It does not appear from the records in the possession of the Commission of these persons who did comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 that any persons bearing the names of Joshua Beam, Annie Beam, Peter Beam or Susan Beam ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the act of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

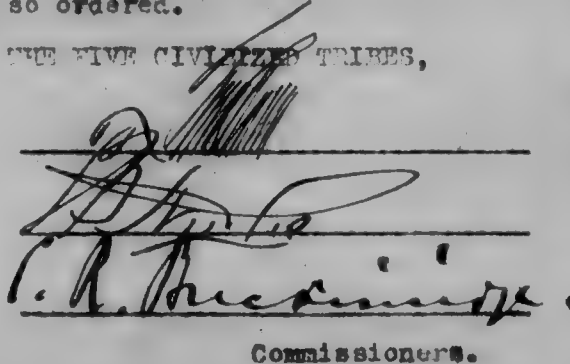
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus F. Beam, Lettie Beam, Myrtle May Karber, Mittie Mabel Karber, Charlie Beam, Eddie Beam, Bennie Beam, Minnie Teddlie, Gomer Teddlie, Pauline Teddlie, Minnie Teddlie, John F. Teddlie, Jr., Joshua P. Beam, Charles Rufus Beam, Joshua Philip Beam, Rufus L. Beam, Aaron R. Beam, David C. Beam, Mary Elizabeth Beam, Fluellia Frost, Beatrice Frost, Willie Frost, Fred Frost and Eliza Calhoun as Choctaw Indians, entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,

MAY 13 1902

  
Commissioners.

CARD No.

NAME

RESIDENCE-COUNTY

POST OFFICE

AGE

REFER TO M. C. R. 1085

*Regina J. Dean*  
*et al*

*Consolidated case*

Aaron Rudolph  
" Rudelf  
father of  
Elizabeth Rudolph  
" Rudelf  
married  
John Peter Bram

John Long

Joshua Bram ~~dead~~  
wife  
Matilda Bram

Peter Bram ~~dead~~  
wife  
x Ann Long ~~dead~~  
x father John Long ~~dead~~ 1/4  
x mother, name not given

Isaac Bram ~~dead~~  
married  
Philip Troneberger

mbr  
1085

Rufus J. Bram 63 1/8  
wife  
Lettie Bram 60 1/8  
cousins

mbr  
1088

Aaron R. Bram 63 1/8  
died since filing appn

Peter Bram ~~dead~~  
wife  
Margaret Ann Bram  
now Troneb

mbr  
1085

Lettie Troneberger 60 1/8  
married  
Rufus R. Bram  
Eliza Troneberger 52 1/8  
married  
Nathan Callahan

mbr  
1086

Minnie J. Bram 32 1/4  
married  
John F. Taddie

mbr  
1087

Joshua P. Bram 30 1/8  
wife  
Maud M. Bram

mbr  
1088

Rufus I. Bram 28 1/4

mbr  
1089

Fluella Bram 26 1/4  
married  
John Tront

mbr  
1085

Myrtle Bram 20

Charlie Bram 18

Eddie Bram 17

Bennie Bram 15

mbr  
1086

Lomer Taddie 9  
" Pauline Taddie 7  
" Minnie Taddie 4  
" John F. Taddie Jr 2

mbr  
1086

Charles R. Bram 14  
" Joshua P. Bram 5 m

mbr  
1089

Esther Tront 3  
" Alice Tront 2  
" Fred Tront 5 m

mbr  
1086

David G. Bram 40 1/8  
wife  
Susan A. Harris  
divorced

mbr  
1086

Mary Elizabeth Bram 8

See appn mbr  
1085

Muskegee, Indian Territory, March 1, 1902.

John Star,

Ida, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st or 22nd inst. in which you desire to be informed if Charles Beams, the son of R. F. Beams, has been duly identified by this Commission as a Mississippi Choctaw and if he should continue to reside upon the land he wishes to allot.

Replying to your letter the Commission has to inform you that it appears from our records that at Muskegee, Indian Territory, on November 27th, 1900, Rufus F. Beams, 63 years of age, of Hagar, Oklahoma Territory, appeared before the Commission and made application for the identification of himself and his four children, Myrtle, 20 years of age, Charley, 18 years of age, Edna, 17 years of age and Bessie 15 years of age, as Mississippi Choctaws.

It is presumed by the Commission that the second child, Charley included in Mr. Beams' application is the person concerning whom you desire this information.

The Commission has not up to this time taken up for consideration and passed upon the application of Mr. Beams and his children for identification as Mississippi Choctaws and it will probably be several months before this case is reached. When the same is taken up by the Commission it will be carefully considered and a decision rendered as to the rights of these parties as

J L B B

Mississippi Choctaws upon the oral testimony of Mr. Beams given at the time of his application and such documentary evidence as he may have submitted in support of such application.

As to the rights of these parties to continue to reside upon the lands that they desire to allot, you are informed that the allotment of the lands of the Choctaw-Chickasaw country will be made in accordance with the treaty of April 30th, 1897, which is as follows:

"That all the lands within the Indian territory belonging to the Choctaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

The term, "members of said tribe" is construed by the Commission to mean the names of those persons who appear upon the final rolls of the Choctaw and Chickasaw nations as approved by the Secretary of the Interior.

Mr. Beams and his family are in the status of applicants for identification as Mississippi Choctaws and if upon a consideration of their application the Commission should so identify them, they would then under the act of May 31st, 1900, be entitled to appear before the Commission as applicants for enrollment as citizens of the Choctaw Nation. This act provides relative to Mississippi Choctaws as follows:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment."



A. L. 1.3

The Commission does not recognize the right to possession by any person of the land of the Shawnee-Chickasaw country unless their names appear upon the rolls as now being prepared by the Commission for submission to the Secretary of the Interior for his approval.

Yours truly,

Acting Chairman.

M. C. K-1080



Muskogee, Indian Territory, March 13, 1901.

Fluella Frost,

Wallville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to the application of your father for identification as a Mississippi Choctaw and relative to your inability to appear before the Commission and make application at the time he appeared and desiring that you be informed when and where you can make application for identification as a Mississippi Choctaw.

Replying to your letter you are informed that the records of this Commission show that Rufus F. Beam, 63 years of age of Hagar, Oklahoma Territory, appeared before the Commission and made application for the identification of himself and four children as Mississippi Choctaws. At the same time, his wife, Lettie Beam, 60 years of age, also applied for identification as a Mississippi Choctaw.

The Commission has not up to this time rendered any decision in the matter of the application of these parties for identification as Mississippi Choctaws but contemplated doing so in the near future when a copy of such decision, stating fully therein the reason for any action that may be taken by the Commission will be mailed to Mr. Beam at his post-office address.

If you desire to make application for identification as a Mississippi Choctaw, the Commission will hear you upon your personal appearance at the office of the Commission at Ateka, Cho-

P. 2

the Nation, Indian Territory, at any time prior to the forwarding  
of the report of the Commission on the identification of Kinsale  
Appl. Sheets to the Secretary of the Interior for his approval.

Yours truly,

Acting Chairman.

M. O. R-1085

Muskogee, Indian Territory, May 31, 1901.

Dr. R. F. Beam,  
Wallville, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 25, in which you state that your present post office address is Wallville, Indian Territory. This change in address has been made a matter of record.

You also ask to be advised as to your chances for citizenship in this Indian country. You are advised that the records of the Commission show that on November 27, 1900, Rufus F. Beam appeared before the Commission and applied for the identification of himself, his wife, and four minor children as Mississippi Choctaws. You are advised that the Commission has not yet rendered a decision in this case and until this is done, no opinion can be given as to your claim. It is impossible to tell at this time, just when your case will be reached for consideration, but it will be taken up at the earliest possible date, and decision rendered, a copy of which will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 9, 1901.

Dr. R. F. Bean,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th  
of September, containing statements relative to your rights to  
identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

M.C.A. 1088

M.C.1085

Muskogee, Indian Territory, March 6, 1902.

Dr. Rufus T. Beam,

Paula Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 26th stating that your daughter Myrtle Beam has married since the time you applied for her identification as a Mississippi Choctaw and you ask if application can now be made for her child.

You state that your cousin Aaron R. Beam who also applied for identification as a Mississippi Choctaw is now dead. You also inquire as to the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your application for identification as a Mississippi Choctaw. As soon as such a decision is reached you will be notified of the action taken by the Commission and the record in your case together with the decision of the Commission will be forwarded to the Secretary of the Interior for review.

There is enclosed you herewith a blank birth certificate upon which you may forward to the Commission evidence of



R F B E

the birth of your grandchild. In having the same executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.

The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Upon receipt of this blank properly executed, together with the marriage license and certificate between Myrtle Beam and her husband, the application of your grandchild will receive consideration.

The information relative to the death of Aaron R. Beam has been made a matter of record with the Commission.

Yours truly,

B. C.

Commissioner in Charge.

Miss. Choctaw 1000

Muskogee, Indian Territory, March 29, 1902.

Myrtle F. Beam,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty sixth instant, inclosing marriage license and certificate between J. P. Karber and Myrtle May Beam. The same has been filed with the records in the matter of your application for the identification of yourself and your family as Mississippi Choctaws.

Receipt is also acknowledged of evidence of the birth of Little May Karber, infant daughter of Myrtle and John Peter Karber, born February 2, 1902. The affidavit of the mother and the physician at the birth of said child have been accepted as evidence of the birth and filed with and made a part of your original application for the identification of yourself and your family as Mississippi Choctaws. The name of Myrtle Beam has also been changed on our records to her present married name of Karber.

Yours truly,

Acting Chairman.



M C R 1005

Muskogee, Indian Territory, May 20, 1902.

Messrs. Mansfield, McMurtry & Cunniff,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus P. Bean, et al., embracing the following applications for identification as Mississippi Choctaws:

Rufus P. Bean, et al.,	M C R 1005
Minnie Beedlie, et al.,	M C R 1006
Joshua P. Bean, et al.,	M C R 1007
Rufus L. Bean,	M C R 1008
Aaron R. Bean,	M C R 4308
David S. Bean, et al.,	M C R 4309
Finella Frost, et al.,	M C R 1740
Ellen Calhoun,	M C R 3440.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 22, 1902 (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Page 2 of 2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James F. Dean, Little Dean, Myrtle May Jones, Willie Mabel Carter, Charlie Dean, Willie Dean, Dennis Dean, Annie Dodkin, Oscar Dodkin, Pauline Dodkin, Minnie Dodkin, John F. Dodkin, Jr., Joshua F. Dean, Charles Dean Dean, George Philip Dean, Rufus L. Dean, Aaron R. Dean, David G. Dean, Mary Elizabeth Dean, Fannie Frost, Beatrice Frost, Willie Frost, Fred Frost and Eliza Calhoun as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M C R 1003.

Washago, Indian Territory, May 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Rufus F. Bean, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 15th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Rufus F. Bean, et al.,	M C R 1003
Minnie Seaborn, et al.,	M C R 1004
Joshua F. Bean, et al.,	M C R 1007
Rufus F. Bean,	M C R 1008
Aaron B. Bean,	M C R 1009
David G. Bean, et al.,	M C R 1010
Finella Frost, et al.,	M C R 1742
Eliza Galhoun,	M C R 2440

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation have been duly advised by letter of the action of the Commis-

Secretary of the Interior

tion, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.

M C R 1000

Wahkago, Indian Territory, May 20, 1902.

Hefus F. Dean,

Hager, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hefus F. Dean, et al., embracing the following applications for identification as Missions-Indian Shooters:

Hefus F. Dean, et al.,	M C R 1000
Minnie Toddlie, et al.,	M. C. R. 1000
Joshua F. Dean, et al.,	M C R 1007
Hefus L. Dean,	M C R 1008
Asen F. Dean,	M C R 4308
David G. Dean, et al.,	M C R 4390
Fluella Frost, et al.,	M C R 1740
Eliza Calhoun,	M C R 2446

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 22, 1900, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of certain Indians claiming rights in the certain lands under Article Fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."



2722

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus W. Boone, Lottie Boone, Myrtle May Carter, Robert Mabel Carter, Charlie Boone, Katie Boone, Annie Boone, Minnie Fennell, Oscar Fennell, Pauline Fennell, Minnie Fennell, John P. Fennell, Jr., Joseph P. Boone, Caroline Aaron Boone, Vernon Fennell Boone, Rufus L. Boone, Laron L. Boone, David H. Boone, Mary Elizabeth Boone, Finella Frost, Beatrice Frost, Willie Frost, Fred Frost and Susan Abbott as Cherokee Indians entitled to rights in the Cherokee lands under the provision of law there quoted, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

Miss. Choctaw R1083

Muskogee, Indian Territory, June 11, 1902.

Burton F. Beam,

Pauls Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 29, addressed to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. You state therein that you have received notice from this Commission that the evidence offered in support of your application was insufficient and your application had been denied. You give certain particulars concerning your ancestors, and ask what steps you should take in the matter.

You are advised that on May 13, 1902, the Commission, after an examination of the evidence submitted in support of your application for the identification of yourself and your family as Mississippi Choctaws, refused the same for the reason that there was no evidence of any compliance having been made on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

On May 20, 1902, the record in this case was forwarded to the Secretary of the Interior for his review but the Commission has



R.F.B. 2

has up to this time been advised of the action taken by him in this case.

There is nothing in the evidence submitted that in any way sets forth that any of your ancestors were at any time recognized or enrolled by the Choctaw tribe as citizens of that Nation nor does it appear that any attempt has been made to show any compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830.

The legislation vesting this Commission with authority to determine the applications of persons claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Under this legislation the Commission requires of such applicants that they reasonably demonstrate that they are descendants of Choctaw Indians who resided in Mississippi in 1830 and whose claims as beneficiaries under the fourteenth article of the treaty of 1830 were favorably adjudicated.

The record in this case is now before the Secretary of the Interior for his consideration and you will be duly advised of the action taken by him in regard to your application.

Yours truly,

Commissioner in Charge

(10504-1902 - D.C.No.)

(COPY)

J.V.H.  
CMR

DEPARTMENT--OF--THE--INTERIOR,  
WASHINGTON.

I.T.D.3559-1902.

June 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

May 20, 1902, you transmitted the record in the consolidated case embracing the applications for enrollment as Mississippi Choctaws, of Rufus F. Beam for himself, his wife, Lettie Beam, and his four minor children, Myrtle, Charlie, Eddie, and Bonnie Beam; of Minnie Teddlie for herself and her four minor children, Gomer, Pauline, Minnie, and John F. Teddlie, Jr.; of Joshua P. Beam for himself and his two minor children, Charles Rufus, and Joshua Phillip Beam; of Rufus L. Beam for himself; of Aaron R. Beam for himself; of David C. Beam for himself and his minor child, Mary Elizabeth Beam; of Flueella Frost for herself and her three minor children, Beatrice, Willie, and Fred Frost; and of Eliza Calhoun for herself.

The principal applicants attempt to trace their Choctaw descent through either Joshua Beam or Peter Beam or Susan Freneberger (nee Beam), who were the children of Elizabeth Beam (nee Rudolph, or Rudolf), an alleged half blood Choctaw woman. Elizabeth Rudolph was the daughter of Aaron Rudolph. Applicants Aaron R. Beam and David C. Beam, et al., also claim Choctaw descent through their mother, Anna Beam (nee Long), who was the daughter of John Long.

May 13, 1902, you refused the application, and the Acting Commissioner of Indian Affairs forwarded your decision on June 8, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Department, upon review of the whole case, approves your action, and your decision is affirmed.

Respectfully,

F. L. Campbell,

Acting Secretary.  
RMD

(COPY)

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30747-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

The applicants herein claim the right of identification by reason of the provisions of the fourteenth article of the treaty of 1830, and the record evidence shows that all the claimants have a common ancestor in the person of one Aaron Rudolph through whom they claim the right to be identified as Mississippi Choctaws.

The following cases are consolidated herein.

Rufus F. Beam, et al.,  
Minnie Teddlie, et al.,  
Jesse F. Beam, et al.,  
Rufus L. Beam,  
Aaron B. Beam,  
David C. Beam, et al.,  
Flucilla Frost, et al.,  
Eliza Calhoun.

On the 13th day of May, 1902, the Commission decided that the evidence submitted by the applicants was not sufficient to establish their identification as Mississippi Choctaw Indians who had complied with the provisions of the fourteenth article

of the treaty of 1830 either in person or through their said ancestor.

The office concurs in this decision of the Commission, and as the office records do not show when or where the applicants or their ancestor ever complied with the provisions of said article or were ever given recognition as Mississippi Choctaws under the acts of Congress of March 3, 1837, and August 23, 1842, the said decision should stand as the decision in this case, and the office so recommends to the Department.

Very respectfully,

Your obedient servant,

A.C. Tenner,

Acting Commissioner.

W.C.B. (S)



COPY.

M.C.B. 1000

Muskogee, Indian Territory, July 2, 1902.

Messrs. Mansfield, McMurtry & Carnish,

~~Attorneys for the Cherokee and Chickasaw Nations,~~

Seeth Mallett, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rufus F. Bean, et al., of which decision you were advised by mail on the 20th day of May, 1902.

Yours truly,

(SIGNED).

Commissioner in Charge.

COPY.

M.S.B., 1902

Muskogee, Indian Territory, July 2, 1902.

Rufus F. Dean,

Pauls Valley, Indian Territory,

Dear Sir:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missionary Photographs of the several persons included in the consolidated case of Rufus F. Dean, et al., of which decision you were advised by registered mail on the 29th day of May, 1902.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.



W C R 1000

Muskogee, Indian Territory, September 13, 1903.

Rufus F. Seem,

Pearly Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you request that you be furnished with a copy of the statement made by you at the time you applied to this Commission for identification as a Mississippi Choctaw. A copy of the same is enclosed herewith.

Yours truly,

Acting Chairman.

Enc. McM--100

M C B 1035

Muskogee, Indian Territory, January 22, 1903.

Rufus F. Beam,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 17th ult. and 3rd inst., relative to a re-opening, for the purpose of the introduction of further evidence, of the consolidated Mississippi Choctaw case of Rufus F. Beam, et al. With your letter of December 17, 1902, you enclosed your affidavit alleging certain facts which you could prove by "an old full blood."

Replying to your communications, you are informed that your letter of December 17, 1902, together with your affidavit of same date, has been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

MER  
1085

Muskogee, Indian Territory, January 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Rufus F. Beam, et al., the record therein, together with the decision of the Commission refusing the right of the several applicants to be identified as Mississippi Choctaws, was, on May 20, 1902, forwarded to the Department.

On June 21, 1902, the Department approved the decision of the Commission, and on July 2, 1902, the several applicants were notified of such departmental action.

The Commission is in receipt of an affidavit dated December 17, 1902, signed by Rufus F. Beam, in which he alleges that he can furnish the evidence of "an old Choctaw full blood Indian" who will swear that "his father, old Summit, lived in 1830, or about that time, a close neighbor to old Aaron Rhudolph and he knew Rhudolph to go and make application to be enrolled, and that he was; that he knew Jacob Beam who, he says, was called Jessie

*Sub*

-2-

Beam, and that Jessie Beam was a grandson of Aaron Rhudolph, and that he was enrolled and had a patent to land in Mississippi.\*

The letter of Rufus F. Beam transmitting this document to the Commission asks that a re-hearing be granted the applicants in this consolidated case. Said letter of transmittal and affidavit are herewith transmitted.

The records in possession of the Commission relating to those persons who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830 fail to disclose that either Aaron Rhudolph or Jacob or Jessie Beam were beneficiaries under article fourteen of the Choctaw treaty of 1830, and the Commission recommends that a re-hearing be denied.

Respectfully,

Acting Chairman.

Commissioner.

Through the Commissioner  
of Indian Affairs.

Commissioner.

Enc Hhl

M C R 1035.

Land  
7698-1903.

C O P Y.  
Department of the Interior,  
Office of Indian Affairs,  
Washington, Feb. 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter of the Commission to the Five Civilized Tribes dated January 26, 1903, in the matter of the Consolidated Mississippi Choctaw case of Rufus F. Beam, the original record in which was transmitted by the Commission on May 20, 1902, and wherein the decision of the Commission was approved by the Department on June 21, 1902.

The Commission has now received and transmits an affidavit dated December 17, 1902, signed by Rufus F. Beam, in which he alleges that he can furnish the evidence of "an old Choctaw full blood Indian" who will swear that "his father Old Summit, lived in 1830, or about that time, a close neighbor to old Aaron Rhudolph, and he knew Rhudolph to go and make application to be enrolled, and that he was; that he knew Jacob Beam, who, he says, was called Jessie Beam and that Jessie Beam was a grandson of Aaron Rhudolph and that he was enrolled and had a patent to land in Mississippi."

Rufus F. Beam addresses a letter to the Commission asking a rehearing on the strength of the statements made in this affidavit.

The names of Aaron Rhudolph and Jacob of Jessie Beam do not appear among the names of Choctaw Indians who received benefits under the 14th article of the Choctaw treaty of 1830; neither does the name of Aaron Rhudolph appear among the names of those Choctaw Indians who received lands in Mississippi under any other provisions of the



-2-

Choctaw treaty. I can therefore see no advantage to be gained by Mr. Beam through a rehearing and I therefore recommend that the petition be not granted.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. (S)

D.C. 6981

C O P Y.  
DEPARTMENT OF THE INTERIOR.

J.W.H.  
FHE

WASHINGTON.

I.T.D. 1396-1903.  
2457 "

March 21, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 26, 1903, you transmitted a report relative to the affidavit of Rufus F. Beam, forwarded therewith, dated December 17, 1902, relative to his application for identification as a Mississippi Choctaw. In said affidavit Mr. Beam alleges that he can furnish the evidence of "an old Choctaw full blood Indian" who will swear that "his father, old Summit, lived in 1830 or about that time, a close neighbor to Old Aaron Rhudelf" and that he "knew Rhudelf to go and make application to be enrolled and thinks he was and that he knew Jacob Beam who he says was called Jessie Beam and that said Jessie Beam was a grandson of Aaron Rhudelf and that he was enrolled and had a patent to land in Mississippi."

In a letter dated March 2, 1903, Mr. Beam wrote again relative to the matter, reiterating the statements contained in said affidavit and furnishing additional information that the witness on whom he relies is Benjamin Summit, of Wichita, Kansas. It seems that Benjamin Summit appeared before you as a witness in support of the application of Margaret J. Roy, for identification as a Mississippi Choctaw.

You state that the "records in possession of the Commission relating to those persons who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830



fail to disclose that either Aaron Rhudolph or Jacob or Jessie Beam were beneficiaries under article fourteen of the Choctaw treaty of 1830, and the Commission recommends that a re-hearing be denied."

Reporting in the matter February 9, 1903, the Acting Commissioner of Indian Affairs stated that

"The names of Aaron Rhudolph and Jacob of Jessie Beam do not appear among the names of these Choctaw Indians who received benefits under the 14th article of the Choctaw treaty of 1830; neither does the name of Aaron Rhudolph appear among the names of those Choctaw Indians who received lands in Mississippi under any other provisions of the Choctaw treaty. I can therefore see no advantage to be gained by Mr. Beam through a rehearing, and I therefore recommend that the petition be not granted."

Inasmuch as this petitioner has failed to show how, when and where the said Benjamin Summit acquired his knowledge of the matters whereof it is expected that he will testify, it is considered that the showing made by said petitioner is not sufficient to warrant a hearing. The Department therefore concurs in the view that said petition should be denied, and you are directed to so advise the said Rufus F. Beam, informing him at the same time of the reasons for such action. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F.L. Campbell,

Acting Secretary.

1 inclosure.

M C R 1085

Maskogee, Indian Territory, March 25, 1903.

Rufus F. Bean,

Pauls Valley, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the letter of the Secretary of the Interior, dated March 11, 1903, denying the application made for a re-hearing in the consolidated Mississippi Choctaw case of Rufus F. Bean, et al.

Respectfully,

Chairman.

May 10

M C R 1067  
M C R 1085  
M C R 4385

Maskagee, Indian Territory, September 28, 1903.

A. E. Johnson,  
#1616 Mill Street,  
Spokane, Washington.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised relative to the Mississippi Choctaw claims of R. F. Beam, Joshua Beam and Aaron Beam.

In reply you are informed that it appears from our records that on June 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applicants in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al., of which the applications of Aaron R. Beam and Joshua F. Beam are a part. The several applicants were duly notified of such departmental action on July 2, 1902.

The Commission now considers this case closed.

Respectfully,

Chairman.

M C R 1085

Muskogee, Indian Territory, February 10, 1904.

Charley Beam,

Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, asking if the names of yourself and father, R. F. Beam are "on the roll."

In reply you are advised that on June 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by Rufus F. Beam for the identification of himself and minor children, Myrtle, Charley, Eddie and Bennie Beam, as Mississippi Choctaws, of which departmental action Rufus F. Beam was notified on July 2, 1902.

The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

M C R 1085

Winkegee, Indian Territory, May 6, 1905.

A. E. Johnson,  
401615 Mill Street,  
Spokane, Washington.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you request to be advised the status of the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

In reply to your letter you are advised that the Secretary of the Interior, on June 21, 1902, approved the Commission's decision of May 13, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Rufus F. Beams, et al., of which departmental action the several applicants were duly notified on July 2, 1902.

The Commission now considers this case closed and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

MUR 1058  
1085

Muskeges, Indian Territory, December 8, 1905.

Geo. M. Nicholson,  
Attorney at Law,  
Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, asking if it would be possible for this office to furnish you with a copy of the evidence in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

In reply you are informed that we cannot furnish you with such copy as it does not appear from the records of this office that you are authorized to represent the applicants in the above named case; neither does it appear that you have ever been admitted to practice as an agent or attorney before this office.

Respectfully,

Acting Commissioner.

MOB 1065

Muskogee, Indian Territory, December 27, 1905.

Dr. J. P. Beam,  
Midland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you desire to be advised the cost of a copy of the record in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

In reply you are advised that the record in this case is in the hands of the Department at Washington, D. C. and it is suggested that you correspond with the Commissioner of Indian Affairs at that place in regard to the matter mentioned in your letter.

Respectfully,

Commissioner.



M O R 1085

Muskogee, Indian Territory, June 11, 1906.

Arthur J. Bolinger,  
Attorney at Law,

Welchka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you request to be informed why one Charley Beam, son of Rufus F. Beam, a Mississippi Choctaw, has not received his allotment.

In reply you are informed that on May 13, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Rufus F. Beam, et al. This decision was affirmed by the Secretary of the Interior June 21, 1902. Therefore it is not believed that any of the applicants in said case are entitled to share in the allotment of lands of the Choctaws and Chickasaws.

Charley Beam was included in the application made by his father.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 18, 1906, the Department referred to this office for consideration and appropriate action, a letter of Dr. J. P. Beams, of Midland, Indian Territory, dated September 10, 1906, with which was enclosed a petition of Joshua P. Beam supported by his affidavit and that of George W. Colbert, requesting that the consolidated Mississippi Choctaw case of Rufus P. Beams, et al. be reopened in order that further testimony might be introduced to establish the claim of the applicants.

The motion is not in proper form. It does not show proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations, and was not filed within sixty days from April 26, 1906, as required by the Act of Congress approved that date.

From the affidavits of Joshua P. Beam and George W. Colbert, and from the numerous letters received at this office from Dr. J. P. (or Joshua P.) Beams, it would appear that the applicant bases his claim principally upon the fact that he is possessed of Indian blood. At the time this claimant made application to the Commission to the Five Civilized Tribes for the identification of himself and children as Mississippi Choctaws he expressly stated

(2)

that none of his alleged ancestors complied with the provisions of article 14 of the treaty of 1830.

The letter of Dr. J. P. Beams and its enclosures are herewith returned in order that the Department may, if it sees fit, file the same with the original record in the case or return them to the applicant.

The Department on June 21, 1902 (I T D 3559-1902), affirmed the adverse decision of the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

McM 15/90

M C R 1085

Muskogee, Indian Territory, November 22, 1906.

O. T. Hale,

Midland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, requesting to be advised the status of the Mississippi Choctaw case of Rufus F. Beam, et al.

The records of this office show that on June 21, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of May 13, 1902, refusing to identify the several persons in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

The Secretary of the Interior on March 11, 1903, also denied an application for a rehearing of said case. The same is considered closed and it is not believed that any of the applicants therein are in any manner entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

M. C. N. 1200

Muskogee, Indian Territory, April 20, 1907.

Charlie Dean,

Pauls Valley, Indian Territory.

Dear Sir:

As requested in your letter of the 19th instant, there is enclosed herewith copy of testimony given by Marcus F. Dean, November 27, 1900, in the matter of the application made by him for the identification of himself, his wife, and four minor children, as Mississippi Choctaws.

Respectfully,

Commissioner.

M. C. N. 26/1

2870-1901 J. L. Star, Ran, I.

MC R 1085, Rufus F. Beam, et a

The Charles Beam in MC R 1087 referred to by you is four years old, the son of Joshua F. Beam, and not of Rufus F. Beam as stated in Mr. Star's letter.

The record in 1085, Rufus F. Beam, shows that on November 27, 1900, Rufus F. Beam, 63 years old, of Hagar, O.T. appeared before the Commission at Muskogee, and applied for identification of himself and four children, Lettie, 30, Charles, 18, Willie, 17 and Emma, 15; it is suggested that this is the Charles Beam referred to. No action has been taken in this case.

Atoka, February 28, 1901.

AB

Fluella Frost, Wallville, I.  
March 8, 1901.

MCR 1085, Rufus F. Beam et al.

On November 27, 1900, Rufus F. Beam, 63 years old, of Hagar, O.T. appeared before the Commission and applied for identification for himself and four children; (For their names, see our report of February 28, in response to inquiry of J.L. Star, Ran, I.T.)

At the same time his wife, Lettie Beam, 60 years old, also applied for identification as a Mississippi Choctaw, and claimed her Choctaw blood through her mother Susan Froneberger. No action has yet been taken in this case.

Atoka, March 11, 1901.

AB

No. 1085

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Rufus F. Beam.

Age 63. Blood 1/8

Post Office, Hagar, Ok. Terity.

Father: Joshua Beam - dead.

Mother: Matilda Beam - dead

Claims through father.

WIFE: Lettie Beam. 60. (1/8)

FATHER: Philip Gronberger. - dead

MOTHER: Susan Gronberger - dead.

Children:

Myrtle Beam 20.

Charley " 18.

Eddie " 17.

Bennie " 15.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900

ACTING CHAIRMAN.

Wellsborn.

Stumpgraben.



chao mcr 1086 minnie J. teddlie

see mcr 1085

mcr 1086

**REFUSED.**

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT,

MAY 20 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS,

MAY 20 1902

RECORD FORWARDED DEPARTMENT;

MAY 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL - 2 1902

REFER TO M. C. R.

1085

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory. Nov. 27,

1900.

In the matter of the application of Minnie Teddlie for the identification of herself and her four minor children as Mississippi Choctaws.

The said Minnie Teddlie, being duly sworn, was examined by the Commission and testified as follows:

- Q What is your name? A Minnie Teddlie.
- Q What is your age? A Thirty-two.
- Q What is your post office address? A Ft. Worth, Texas.
- Q Are you a resident of the State of Texas? A Yes, sir.
- Q How long have you resided there? A About fifteen years in all.
- Q Have you maintained a continuous residence in Texas for the past fifteen years? A Yes, sir; I have.
- Q Where did you live prior to that time? A Well, in the Nation
- Q What Nation? A In the Choctaw Nation.
- Q How long? A Oh, all together I was three or four years.
- Q Where did you live before your residence in the Choctaw Nation?
- A In Arkansas.
- Q How long did you live in Arkansas? A Eight or ten years.
- Q Where did you live before that? A I was born in Missouri.
- Q You removed from there to Arkansas? A Yes, sir.
- Q Then removed to the Choctaw Nation where you resided for three or four years and then to Texas? A Yes, sir.
- Q What were the three years you were in the Choctaw Nation? A Well, I don't remember. I was twelve or thirteen, I suppose.
- Q What were you doing there? A I was with my father and mother. I was a little child.
- Q Your father and mother had a residence in the Choctaw Nation during the three years you were there? A Yes, sir.
- Q How much Choctaw blood do you claim? A I claim one sixteenth
- Q What is your father's name? A Rufus Bean.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Lettie Bean.
- Q Is she living? A Yes, sir.
- Q Through which one of your parents do you claim your Choctaw blood? A I claim through both of them.
- Q What was the name of----was the name of your father or your mother ever on any of the tribal rolls of the Choctaw Nation?
- A No, sir.
- Q Have either of them ever been recognized by the tribal authorities of the Choctaw Nation as citizens of the Choctaw Nation? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation?
- A No, sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as ~~citizens~~ a citizen of the Choctaw Nation? A No, sir.
- Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No, sir.

Minnie Teddlie et al---2.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory? A No, sir.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.

Q This is the first application you have ever made of any description? A Yes, sir; this is the first time.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Well, by the blood I have, by my back ancestors.

Q Are you making your claim as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir; I am.

Q You have heard it explained and know what it is? A Yes, sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of 1830? A No, sir; not that I know of. I am sure they did not.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A Elizabeth Rudolph.

Q What relation was she to you? A She is my great grandmother.

Q Have you evidence showing you are a lineal descendent of hers? A Yes, sir.

Q Have you any evidence showing that Elizabeth Rudolph was a recognized member of the Choctaw tribe of Indians in 1830? A Yes, sir; I think I have.

Q You claim your Choctaw blood by both your parents? A Yes, sir.

Q And claim your rights through both of them? A Yes, sir.

Q And they claim their rights from the same common ancestry Elizabeth Rudolph? A Yes, sir.

Q Your mother and father were cousins by blood? A Yes, sir.

Q Their parents were own brother and sister? A Yes, sir.

Q Did Elizabeth Rudolph ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A Not that I know of.

Q Did Elizabeth Rudolph or any other ancestors through whom you might claim this right to identification ever receive of claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, sir.

Q Do you make any claim by reason of any other treaty stipulations entered into between the United States and the Choctaw Indians? A No, sir, only the 1830 treaty.

Q The fourteenth article of the treaty of 1830 is the sole basis of your claim, is it? A Yes, sir.

Q Are you married? A Yes, sir.

Q What is your husband's name? A John F. Teddlie.

Q Are you making any application for your husband? A No, sir.

Q Is he a white man? A Yes, sir.

Q He never made any claim to Indian citizenship by blood?

A No, sir.

Minnie Teddlie et al---3.

Q Where did you marry him? A I married him in Rising Star, Texas.

Q When? A In 1891.

Q Have you any children? A I have four children.

Q You want to make application for them? A Yes, sir.

Q What are their names and ages? A Gomer Teddlie.

Q How old is he? A Nine years old.

Q The next? A Pauline Teddlie.

Q How old? A Seven years old.

Q The next one? A Minnie Teddlie.

Q How old? A Four years old.

Q The next one? A John F. Jr.

Q How old? A Two years old.

Q You are the mother of these four children, are you? A Yes, sir.

Q John F. Teddlie, your husband, is the father of all four of them? A Yes, sir.

Q These children all live with you at your home? A Yes, sir.

Q You and your husband live together? A Yes, sir.

Q Is there any additional statement you desire to make in support of this application? A No, sir. My father has got them all in.

Q Is there any written evidence you desire to submit for the consideration of the commission? A No, sir.

BY THE COMMISSION: The decision of the Commission as to your application you make on behalf of yourself and your four minor children for identification as Mississippi Choctaws, will be mailed to you in writing in the near future at your present post office address.

-----0-----  
The undersigned, Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported in full all proceedings in this application for identification, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of December, 1900.

  
Acting Chairman.



M C R 1086

Waukegon, Indian Territory, May 20, 1902.

Minnie Teddlie,

Ft. Worth, Texas.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus F. Bean, et al., embracing the following applications for identification as Mississippi Choctaws:

Rufus F. Bean, et al.,	M C R 1085
Minnie Teddlie, et al.,	M C R 1086
Joseph F. Bean, et al.,	M C R 1087
Rufus L. Bean,	M C R 1088
James G. Bean,	M C R 4386
David G. Bean, et al.,	M C R 4390
Fluelin Frost, et al.,	M C R 1740
Bliss Galtoun,	M C R 5448

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 30, 1900, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

11-1-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus F. Bean, Lettie Bean, Myrtle May Karber, Mittie Mabel Karber, Charlie Bean, Eddie Bean, Bennie Bean, Minnie Teddlie, Omar Teddlie, Pauline Teddlie, Minnie Teddlie, John F. Teddlie, Jr., Joshua F. Bean, Charles Rufus Bean, Joshua Philip Bean, Rufus L. Bean, Aaron R. Bean, David U. Bean, Mary Elizabeth Bean, Flucilla Frost, Beatrice Frost, Willie Frost, Fred Frost and Eliza Galhoun as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.



COPY.

M.S.R. 1006

Muskogee, Indian Territory, July 2, 1902.

Minnie J. Teddlie,

2105 Lincoln Street,

St. North, Kansas.

Dear Madam:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Native signi Shactaw of the several persons included in the enumerated case of Rufus J. Bean, et al., of which decision you were advised by registered mail on the 20th day of May, 1902.

Yours truly,

(SIGNED)

*T. D. Weaver*

Commissioner in Charge.

No. 1086

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Minnie J. Deddie.

Age 32. Blood 1/16

Post Office, Ft. Worth, Texas.

Father: Rufus Beam - ✓

Mother: Lettie Beam - ✓

Claims through both.

HUSBAND:

John F. Deddie  
(No claim for husband).

Children:

Gomer Deddie	9.
Pauline "	7.
Minnie "	4.
John F. (jr) "	2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900

ACTING CHAIRMAN.

Stenographer:  
Wellshear.

Choc mcr 1087 Joshua P. Beam

see mcr 1085

mcr 1087

*Wm. B. Ham et al*  
**REFUSED.**

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT,

MAY 20 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 20 1902

RECORD FORWARDED DEPARTMENT.

MAY 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL - 2 1902

REFER TO M. C. R.

1085

*P.O. Midland, I.T. 4/4/06*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T. Nov. 27, 1900.

In the matter of the application of Joshua P. Beam for the identification of himself and his two minor children as Mississippi Choctaws. Joshua P. Beam being sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Joshua P. Beam.
- Q What is your age? A 30 years old.
- Q What is your post-office address? A Eason, Pottawottomie County, Oklahoma? A Yes sir.
- Q Are you a resident of Oklahoma Territory? A Yes sir.
- Q How long have you resided there? A I have been there off and on for eight years. I have not been there all the time.
- Q Where have you been? A Part of the time in the Chickasaw Nation.
- Q Where did you maintain your residence for the last eight years? A The last five in Oklahoma.
- Q The last five years you have maintained a residence in Oklahoma? A Yes sir.
- Q Where did you live prior to that time? A Traveling around quite a deal over the Chickasaw Nation.
- Q What were you doing? A Just traveling around.
- Q In what business? A Dealing in horses a little.
- Q Where were you born? A In Missouri.
- Q How long did you live in Missouri? A I don't know. Left there when I was small.
- Q How small were you? A About a year old I guess.
- Q Then where did you go? A From there to Arkansas I guess.
- Q Have you ever ~~lived~~ lived in the state of Mississippi? A No sir.
- Q How much of a residence have you had in the Choctaw and Chickasaw nations? A I never had any myself but I have been there with father who owns a residence there.
- Q Never were recognized as a citizen of the Choctaw or Chickasaw Nations? A Not by the laws, I wasn't.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q Your mother and father both claim to be one eighth Choctaw Indians? A I claim to be a sixteenth. I don't know what it would be.
- Q What is your father's name? A Dr. Rufus Franklin Beam.
- Q Is your father living? A Yes sir.
- Q What is your mother's name? A Lettie Beam.
- Q Is your mother living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Beth.
- Q Your father and mother are both Choctaw Indians? A Yes sir, Mississippi Choctaws.
- Q Were either of their names on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
- Q Were either one of your parents ever recognized by the Choctaw tribal authorities as citizens of the Choctaw Nation? A Not as I know of.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir, I guess not.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

Q Did you ever make application to the Choctaw tribal authorities for citizenship? A No sir.

Q Have you ever been recognized by the Choctaw tribal authorities, by any official act of their national Council as a citizen of that Nation? A No sir.

Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship under the act of Congress of June 10th, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States courts in the Indian Territory? A No sir.

Record of applications for citizenship in the Choctaw nation made to this Commission in 1896 examined and the name of the applicant does not appear thereon.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q You now make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Because we can trace it back to our ancestors and because that we are Choctaw.

Q You are making your claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your ancestors ever signify to the United States Indian Agent within six months after the ratification of that treaty, their intention to remain and become citizens of the United States? A Not that I know of.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 when the treaty was entered into between the United States and the Choctaw Indians? A Elizabeth Rudolph.

Q What relation was Elizabeth Rudolph to you? A My great grand mother. She was my father's grand-mother.

Q Your father's and mother's grand mother both wasn't she? Your father and mother were own cousins. Is that right? A I guess so.

Q Why do you guess about it. don't you know? A Yes sir.

Q Both of them claim that Elizabeth Rudolph was their grand mother? A I guess so.

Q Don't you know? A I suppose they are? They are cousins I know.

Q Did Elizabeth Rudolph ever receive or claim any land in Mississippi as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Not as I know of.

Q Do you know anything of her residence in Mississippi and her recognition as a member of the Choctaw tribe of Indians? A No sir.



Joshua P. Beam 3

Q Are you making your claim under any other treaty stipulation between the United States and the Choctaw Indians besides the 14th article of the treaty of 1830? A I claim under all treaties that provide for the Mississippi Choctaws.

Q What other treaties provide for the Mississippi Choctaws and what do you claim under them? A I claim under that treaty you was speaking of. The 1830.

Q Was there any other treaty ever made between the United States and the Choctaw Indians that effects your claim? A I don't know.

Q What do you mean then by claiming under other treaties?

A I mean I claim under all of them if there is any.

Q We want to know what your claim is. If there is any other stipulation or treaty that affects your rights we want to hear it?

A I don't know.

Q What do you claim then? A I claim under the treaty that you speak of first, the 1830.

Q Do you claim under any other article besides the fourteenth.

A No sir.

Q You make your claim solely under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q You stated that you were born in Missouri thirty years ago? A Yes sir.

Q Your parents resided in the state of Missouri at that time?

A They were living there.

Q You heard your father testify in his applicant didn't you?

A Yes sir.

Q Your father was born in the state of North Carolina when?

A I don't know just what year it was.

Q And he testified that his father was born in the state of North Carolina in 1800. That he had always been a resident of the state of North Carolina up to the time of your father's birth and that your father was born there and that neither your father or his father had ever resided in Mississippi or been recognized as members of the Choctaw tribe there. A Yes sir.

Q Have you ever been a resident of the state of Mississippi?

A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Maud M. Beam.

Q Are you making any claim for her? A No sir.

Q Where did you marry her? A Belmont, Oklahoma.

Q When? A The 26th day of January, 1895.

Q Married to her in accordance with the laws of Oklahoma?

A Yes sir.

Q Have you your marriage license and certificate? A Yes sir I have it at home.

Q It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the application for the identification of your minor children? A I can send it.

Q How many children have you under twenty one years of age and unmarried? A Two.

Q What are their names and ages? A Charles Rufus Beam, four years old.

Q The next one? A Joshua Philip Beam.

Q How old? A Five months old.

Q You are the father of both these children? A Yes sir.

Q Maud M. Beam, your wife, is the mother of both of them?

A Yes sir.

Q These children both live with you at your home? A Yes sir

Q You and your wife living together? A Yes sir.

Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your two minor children? A No.

Q Any written evidence you desire to submit for the consideration of the Commission in support of this application? A Not right now.

Q How much time do you want to file papers? A About twenty days.



Joshua P. Bean 4

Q. Permission is granted the applicant to file written evidence in support of this application provided the same is offered for filing with the Commission within twenty days from the date hereof.

The decision of the Commission as to your application and the application you make on behalf of your two minor children will be mailed to you in ~~the~~ writing in the near future ~~at~~ at your present post-office address.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 28th day of November, 1900.

Guy L. Emerson  
Notary Publ'c.

Muskogee, Indian Territory, January 6, 1901.

J. B. Bean,

Aurora, Oklahoma Territory.

Dear Sir:

The Commission is in receipt of your letter of the 12th ult. enclosing marriage certificate between Joshua B. Bean and Miss Maud M. Faust, offered by you for filing in the matter of your application for the identification of yourself and your two minor children as Mississippi Choctaws, and the same has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

H. C. B-1087

M O R 1087

Wahkago, Indian Territory, May 22, 1902.

Joshua P. Beam,

Wagon, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus P. Beam, et al., embracing the following applications for identification as Mississippi Choctaws:

Rufus P. Beam, et al.,	M O R 1085
Minnie Teddie, et al.,	M O R 1086
Joshua P. Beam, et al.,	M O R 1087
Edwin L. Beam,	M O R 1088
Almon R. Beam,	M O R 1388
David B. Beam, et al.,	M O R 1480
Finella Frost, et al.,	M O R 1780
Ellen Galloway,	M O R 2445

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 25, 1898, (30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

J. P. B-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus F. Beam, Lettie Beam, Myrtle May Karber, Mittie Nabel Karber, Charlie Beam, Eddie Beam, Bannie Beam, Minnie Teddlie, Homer Teddlie, Pauline Teddlie, Minnie Teddlie, John F. Teddlie, Jr., Joshua P. Beam, Charles Rufus Beam, Joshua Philip Beam, Rufus L. Beam, Aaron R. Beam, David C. Beam, Mary Elizabeth Beam, Phyllis Frost, Beatrice Frost, Willie Frost, Fred Frost, and Eliza Calhoun as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

M C R 1087

Muskogee, Indian Territory, May 24, 1908.

J. P. Beam,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you desire to be informed if Mississippi Choctaw Indians will derive any benefits from the school fund.

Replying to your inquiry you are advised that the matter of the schooling of Choctaw children is not within the jurisdiction of this Commission and information on this subject should be requested from the Superintendent of Schools in Indian Territory, Muskogee, Indian Territory.

You are advised however that on May 20, 1908, the Commission rendered its decision in the consolidated Mississippi Choctaw case of Rufus S. Beams, et al, including the application made by you for the identification of yourself and your two minor children, Charles R. and Joshua P. Beams, Jr., as Mississippi Choctaws.

This decision refuses the applications of all the persons therein to identification as Mississippi Choctaws and you were on May 20, 1908, advised by registered mail of this action of the Commission at Bazen, Oklahoma Territory.



J P B 2

The record in this case was on the same date forwarded to the Secretary of the Interior for his review and you will be duly notified of such action as may be taken by him.

The act of Congress of May 31, 1906, provides:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

The Commission having refused your application for the identification of yourself and your two minor children as Mississippi Choctaws, it is not believed that you and your children are entitled in any manner to recognition as citizens of the Choctaw Nation or to participate in the allotment of the lands of the Choctaw-Chickasaw country or to any of the other benefits of Choctaw citizenship.

Yours truly,

Acting Chairman.

COPY.

H.C.R. 1007

Muskogee, Indian Territory, July 8, 1908.

Joshua P. Bean,

Pauls Valley, Indian Territory.

You are hereby advised that on the 21st day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rufus T. Bean, et al., of which decision you were advised by registered mail on the 20th day of May, 1908.

Yours truly,

(SIGNED)

T. B. McAdams

Commissioner in Charge.



M C R 1067  
M C R 1088  
M C R 4388

Muskogee, Indian Territory, September 28, 1903.

A. E. Johnson,

Field Mill Street,

Spokane, Washington.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised relative to the Mississippi Choctaw claims of R. F. Beam, Joshua Beam and Aaron Beam.

In reply you are informed that it appears from our records that on June 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applicants in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al., of which the applications of Aaron R. Beam and Joshua F. Beam are a part. The several applicants were duly notified of such departmental action on July 2, 1902.

The Commission now considers this case closed.

Respectfully,

Chairman.

M C R 1087

Muskogee, Indian Territory, April 11, 1906.

Dr. J. P. Beam,  
Midland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting to be advised if there is any chance for you to now prove your rights as a citizen by blood of the Choctaw Nation.

In reply you are informed it appears from the records of this office that on June 21, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered May 13, 1902, refusing the several applicants included in the consolidated Mississippi Choctaw case of Rufus S. Beams, et al., of which your application is a part.

Such rights as you might have had as a citizen by blood of the Choctaw Nation were also adjudicated at the time of the rendition of the above decision, and this office now has no authority to receive or consider any further evidence in support of your claim.

Respectfully,

Acting Commissioner.

M C R 1087

Muskegee, Indian Territory, May 7, 1906.

Dr. J. P. Beam,  
Midland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, by reference from the Secretary of the Interior. Therein you ask if there is any way by which you can have your Mississippi Choctaw application reopened.

You are informed that rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and heads of families, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of

Dr J P B 2

said article 14, whose name appears as such in the records of the Government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Your attention is further invited to the following provision of the Act of Congress approved April 26, 1906 (Public 129):

" . . . and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

Respectfully,

Acting Commissioner.

M C R 1085  
M C R 1087

Muskogee, Indian Territory, October 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

September 18, 1906, the Department referred to this office for consideration and appropriate action, a letter of Dr. J. P. Beams, of Midland, Indian Territory, dated September 10, 1906, with which was enclosed a petition of Joshua P. Beam supported by his affidavit and that of George W. Colbert, requesting that the consolidated Mississippi Choctaw case of Rufus F. Beams, et al. be reopened in order that further testimony might be introduced to establish the claim of the applicants.

The motion is not in proper form. It does not show proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations, and was not filed within sixty days from April 26, 1906, as required by the Act of Congress approved that date.

From the affidavits of Joshua P. Beam and George W. Colbert, and from the numerous letters received at this office from Dr. J. P. (or Joshua P.) Beams, it would appear that the applicant bases his claim principally upon the fact that he is possessed of Indian blood. At the time this claimant made application to the Commission to the Five Civilized Tribes for the identification of himself and children as Mississippi Choctaws he expressly stated

(2)

that none of his alleged ancestors complied with the provisions of article 14 of the treaty of 1830.

The letter of Dr. J. P. Beams and its enclosures are herewith returned in order that the Department may, if it sees fit, file the same with the original record in the case or return them to the applicant.

The Department on June 21, 1902 (I T D 3559-1902), affirmed the adverse decision of the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

WCV 18/00

M C H 1087

Muskogee, Indian Territory, October 18, 1906.

Dr. J. P. Beam,

Midland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting to be advised what action has been taken in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al. since the last evidence was filed.

In reply you are informed that on September 18, 1906, the Secretary of the Interior referred to this office for consideration and appropriate action, your letter of September 10, 1906, with which was enclosed your request for reopening the consolidated case of Rufus F. Beam, et al. and the affidavits of yourself and George W. Colbert.

The above mentioned papers have this day been returned to the Secretary of the Interior, through the Commissioner of Indian Affairs, as the original record in the case is in the hands of the Department.

You will be notified of the action taken by the Department in this matter.

Respectfully,

Commissioner.



No. 1087

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Joshua P. Beam.

Age 30 Blood 1/16.

Post Office. Oason, Ok. Territory.

Father: Rufus G. Beam - ✓

Mother: Lettie Beam - ✓

Claims through both.

WIFE:

Maud M. Beam  
(No claim for wife)

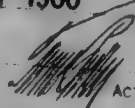
Children:

Charles R. Beam 4.  
Joshua P. " 5 mo.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900



ACTING CHAIRMAN.

Stenographer:  
Myra Young.

G. O. Number 10670-1900.

J. P. Beam, Aurora, O. T.  
December 12, 1900.

M. C. R 1067 Joshua P. Beam  
et al.

Joshua P. Beam, 30 years old, of  
Fason, O.T. appeared before the  
Commission at Muskogee, Novem-  
ber 27, 1900, and applied for  
the identification of himself  
and two children. No judgment  
has yet been rendered in this  
case.

Atoka, January 4, 1901.

AB

Choc MCR 1088 Rufus L. Beam

see MCR 1085

MCR 1088

*refus & rem*  
**REFUSED.**

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 20 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 20 1902

RECORD FORWARDED DEPARTMENT.

MAY 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 21 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL - 2 1902

REFER TO M. C. R.

1085

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 27, 1900.

In the matter of the application of Rufus L. Beam for  
identification as a Mississippi Choctaw. Rufus L. Beam being  
duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Rufus L. Beam.  
Q What is your age? A 28 years old.  
Q What is your post-office address? A Hagar.  
Q Where is that? A Pott County, Oklahoma.  
Q Are you a resident of Oklahoma? A Yes sir.  
Q How long have you resided there? A About seven years.  
Q Maintained a continuous residence there for the past seven  
years? A For the past three years.  
Q Where did you live before that? A In Texas.  
Q How long did you live in Texas? A Altogether I lived there  
about fifteen years.  
Q Where did you live before you resided in Texas? A In the  
Choctaw Nation.  
Q How long did you live in the Choctaw Nation? A About three  
years.  
Q When was that? A About '75 I think.  
Q Where did you come from to the Choctaw Nation? A Arkansas  
Born in Arkansas? A Yes sir.  
Q Never lived in the state of Mississippi? A No sir.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A Rufus F. Beam.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Lettie Beam.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw  
blood? A Both.  
Q Does the name of either your father or mother appear on  
any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Were your father or mother ever recognized by the Choctaw  
tribal authorities as citizens of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw  
Nation? A No sir.

Tribal rolls of citizens of the Choctaw Nation in the  
possession of the Commission examined and the name  
of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal  
authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal  
authorities by any official act of their National Council as a  
citizen of that Nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make applica-  
tion to this Commission for citizenship in the Choctaw Nation under  
the act of June 10th, 1896? A If they did I don't know it.  
Q You didn't did you? A No sir.  
Q Did you authorize any one to make application for you?  
A No sir.  
Q Have you any reason to believe that any application had  
been made for you? A None whatever.

Record of applications for citizenship in the  
Choctaw Nation made to this Commission in 1896

Rufus L. Beam 2

examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Q Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal or authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A From my ancestors and we have proof. Through my ancestors I claim it.

Q Proof of what? A Indian blood.

Q Have you proof of compliance with the fourteenth article of the treaty of 1830? A No sir.

Q Are you making your claim under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time this treaty was entered into between the United States and the Choctaw tribe? A Elizabeth Rudolph.

Q What relation was Elizabeth Rudolph to you? A My great grand mother.

Q Your great grand mother on both your father and mother's side? A Yes sir.

Q Your mother and father are own cousins? A Yes sir.

Q And Elizabeth Rudolph is the common ancestor through whom they claim this right to identification? A Yes sir.

Q Did Elizabeth Rudolph ever claim or receive any land in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of 1830? A No sir.

Q Did Elizabeth Rudolph if a recognized member of the Choctaw tribe of Indians, signify to the United States Indian Agent her intention within six month after the ratification of this treaty, to remain and become a citizen of the United States? A No sir.

Q Have you any evidence showing that she was ever a recognized member of the Choctaw tribe of Indians? A Yes sir.

Q What does it consist of? A We have an affidavit.

Q Affidavit that she was what? A That she was known to be a Choctaw Indian in Mississippi.

Q Have you any affidavits or other testimony showing that she ever complied with the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under any other treaty stipulation between the United States and the Choctaw tribe of Indians? A No sir.

Q Make your claim solely under the fourteenth article of the treaty of 1830, do you? A Yes sir.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q Making this application solely on your own behalf are you? A Yes sir.

Q You stated that you were born in the state of Arkansas 28 years ago? A 28 years ago.



Rufus L. Beam 3

Q That you have never maintained a residence in the state of Mississippi? A No sir.

Q And that you have only maintained a residence in the Choctaw Nation when your father was practicing medicine? A I have worked in the Nation.

Q Were never recognized by the Choctaw tribal authorities as a citizen during any residence you may have had in the Choctaw or Chickasaw Nation? A No sir.

Q Your father was born in North Carolina was he not? A Yes sir.

Q He never maintained a residence in the state of Mississippi?

A No.

Q Your father testified that his father was born in North Carolina in 1800 and lived there up until the time of your father's birth? A Yes sir.

Q That is correct is it? A Yes sir, I think so.

Q Is there any additional statement you desire to make in support of your application? A No.

Q Is there any written evidence you desire to submit for the consideration of the Commission in support of your application? A No sir.

Q How much time do you want in which to file it? A Fifteen or twenty days.

Permission is granted the applicant to file written testimony in support of this application provided the same is offered for filing with the Commission within fifteen days from the date hereof.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 27th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 28th day of November, 1900.

Guy L. Emerson  
Notary Publ. c.



M C R 1088.

Mustang, Indian Territory, May 30, 1903.

Rufus L. Bean,

Hager, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission on the Five Civilized Tribes rendered a decision in the consolidated case of Rufus P. Bean, et al., concerning the following applications for identification as Mississippi Shooters:

Rufus P. Bean, et al.,	M C R 1088
Minnie Teddlie, et al.,	M C R 1088
Joseph P. Bean, et al.,	M C R 1087
Rufus M. Bean,	M C R 1088
Aaron R. Bean,	M C R 4388
David O. Bean, et al.,	M C R 4388
Fluella Frost, et al.,	M C R 1748
Eliza Nathan,	M C R 8448

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 20, 1898, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Shooter Indians claiming rights in the Shooter lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

R I B-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus F. Beam, Lettie Beam, Myrtle May Karber, Mittie Mabel Karber, Charlie Beam, Eddie Beam, Benjie Beam, Minnie Teddlie, Gomer Teddlie, Pauline Teddlie, Minnie Teddlie, John F. Teddlie, Jr., Joshua P. Beam, Charles Rufus Beam, Joshua Philip Beam, Rufus L. Beam, Aaron R. Beam, David S. Beam, Mary Elizabeth Beam, Phoebe Frost, Beatrice Frost, Willie Frost, Fred Frost and Eliza Calhoun as Cheetaw Indians entitled to rights in the Cheetaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY

July 2, 1902

Wahkiakum, Indian Territory, July 2, 1902.

Wahkiakum, Indian Territory.

Wahkiakum, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rufus F. Dean, et al., of which decision you were advised by registered mail on the 20th day of May, 1902.

Yours truly,

(SIGNED)

Commissioner in Charge.

No. 1088

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Rufus L. Beam,

Age 28. Blood 1/16

Post Office Hagar, Ok. Territory.

Father: Rufus G. Beam - ✓

Mother: Lettie Beam - ✓

Claims through both.

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
NOV 27 1900



ACTING CHAIRMAN.

Stenographer:

Wyro Young

Choc mcr 1089 POMP C. Froneberger

see mcr 6240

mcr 1089



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 27, 1900.

In the matter of the application of Pomp C. Froneberger  
for identification as a Mississippi Choctaw. Pomp C. Froneberger  
being duly sworn by the Commission, testified as follows;

Examination by the Commission.

- Q What is your name? A Pomp C. Froneberger.  
Q What is your age? A 27.  
Q What is your post-office address? A Hagar Oklahoma.  
Q Are you a resident of the territory of Oklahoma? A I am.  
Q How long have you resided there? A Seven years.  
Q Maintained a continuous residence there for the past 7 years?  
A I have.  
Q Where did you live prior to that time? A I lived in the  
state of Texas.  
Q How long did you live in Texas? A 11 years in the state  
of Texas, five years in the Choctaw territory.  
Q Where were you born? A Born in the state of Arkansas.  
Q How much of a residence have you had in the Indian terri-  
tory? A Five years. I was with my father.  
Q You were never recognized by the Choctaw tribal authorities  
as a citizen during your residence there were you? A I never was.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What was your father's name? A Lafayette Froneberger.  
Q Is he living? A Dead.  
Q What is your mother's name? A Sallie Froneberger.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your  
Choctaw blood? A Through my father.  
Q Your father's name ever on any of the tribal rolls of  
the Choctaw Nation? A Never was that I knew of.  
Q Was he ever recognized by the Choctaw tribal authorities  
as a citizen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw  
Nation? A It is not.

Tribal roll of citizens of the Choctaw Nation in  
the possession of the Commission, examined and the  
name of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal  
authorities for citizenship in the Choctaw Nation? A I have not.  
~~Q Have you ever been recognized by the Choctaw tribal~~  
authorities as a citizen of that Nation by any official act of  
their National Council? A I have not.  
Q Did you or did any one in your behalf in 1896 make appli-  
cation to this Commission for citizenship in the Choctaw Nation  
under the act of Congress of June 10th, 1896? A No sir.

Record of applications for citizenship in the Choctaw  
Nation made to this Commission in 1896, examined and  
the name of the applicant does not appear thereon.

- Q Have you ever been admitted to citizenship in the Choctaw  
Nation by judgment of the United States Courts in the Indian Terri-  
tory? A I have not.

Record of parties admitted to citizenship in the  
Choctaw Nation by judgment of the United States  
Courts, examined and the name of the applicant does  
not appear thereon.

Q Have you ever prior to this time made any application to  
either the tribal authorities of the Choctaw Nation or to the  
authorities of the United States for either citizenship or enroll-  
ment as a Choctaw? A I have not.

Q This is your first application of any description. It is  
the first, yes sir.

Q You are now making application for identification as a  
Mississippi Choctaw? A I am.

Q Why do you believe that you are entitled to be identified  
by this Commission as a Choctaw Indian entitled to rights in the  
Choctaw lands under the provisions of the fourteenth article of the  
treaty of 1830? A That is what I am making my claim under the  
treaty of 1830.

Q Under the fourteenth article of that treaty? A Yes sir.

Q Are you familiar with the provisions of the fourteenth  
article of the treaty of 1830? A I am tolerable.

Q Did any of your ancestors ever comply with the provisions  
of that article of that treaty? A Not that I know of.

Q What was the name of your ancestor who was recognized member  
of the Choctaw tribe of Indians in Mississippi in 1830 at the time  
the treaty was entered into between the United States and the  
Choctaw Indians? A Aaron Rudolph.

Q What relation was Aaron Rudolph to you? A He was my  
great grand father.

Q Have you any evidence showing that he was a recognized  
member of the Choctaw tribe of Indians in Mississippi? A I have.

Q What does it consist of? A It is an affidavit showing  
that he was recognized by the people as a Choctaw Indian in Miss-  
issippi.

Q Have you any evidence showing that you are a direct lineal  
descendant of his? A I have.

Q Did Aaron Rudolph ever signify to the United States Indian  
Agent of the Choctaw Indians in Mississippi, his intention to remain  
and become a citizen of the United States, within six months after  
the ratification of that treaty? A As to that I don't know.

Q Do you know anything of his residence in Mississippi? A No  
sir.

Q Do you know anything about his recognition as a Choctaw  
Indian? A Not myself.

Q Do you know where Aaron Rudolph died? A I do not.

Q Did any of your ancestors ever receive or claim any land in  
Mississippi as beneficiaries under the fourteenth article of the  
treaty of 1830? A Not as I know of.

Q Do you make any claim by reason of any other treaty stipu-  
lation entered into between the United States and the Choctaw  
Indians? A No sir.

Q You are making your claim solely under the provisions of the  
fourteenth article of the treaty of 1830? A I am.

Q Are you married or single? A Single.

Q Never have been married? A Never half.

Q Making this application solely on your own? A On my own  
behalf.

Q You were born in Arkansas? A Born in Arkansas.

Q 27 years ago? A 27 years ago.

Q Never maintained a residence in the state of Mississippi  
and only maintained a residence of five years in the Indian Terri-  
tory during which time you were never recognized as a citizen by  
the tribal authorities of either the Choctaw or Chickasaw Nations?

A No sir.

Q You claim your Choctaw blood through your father? A Through  
my father.



Pomp C. Fronsberger 3

Q How long before your birth was your father a resident of the state of Arkansas? A Five or six years.

Q Was he ever a resident of the state of Mississippi? A Not that I know of.

Q Where was your father born? A He was born in the state of North Carolina.

Q Were his forefathers residents of the state of North Carolina? A They were.

Q They had always lived there up to the time they moved west? A Yes sir.

Q Is there any additional statement you desire to make in support of your application? A I have not.

Q Is there any written evidence you desire to offer the Commission for consideration in support of your application? A No sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the ~~Mississippi Choctaw~~ Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 27th day of November, 1900 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 28th day of November, 1900.

*Guy L. Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Pomp C. Froneberger, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Pomp C. Froneberger, M. C. R. 1089  
Emily V. McLachlan, et al., M. C. R. 5240

-----

List of papers forwarded to the Secretary of the Interior, com-  
prising the record in the consolidated case of Pomp C. Froneberger  
et al.

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Page.

Original application of Pomp C. Froneberger to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaw,.....	1
Original application of Emily V. McLachlan, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	4
Decision of the Commission to the Five Civilized Tribes, re- fusing applications for identification as Mississippi Choctaws in the consolidated case of Pomp C. Froneberger, et al.,....	11

COPY.

B.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---P---

In the matter of the application of Pomp C. Fronsberger,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of:

Pomp C. Fronsberger, M.C.R. 1089  
Emily V. McLachlan, et al., M.C.R. 6240.

--: D E C I S I O N :--

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Pomp C. Fronsberger for himself, and by Emily V. McLachlan for  
herself and her eight minor children, Philip, Myrtle, Nellie, Maggie,  
Thomas, Corrine, Winnifred and Alice McLachlan, under the following  
provision of the act of Congress approved June 28, 1895 (30 Stat.,  
495):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, con-  
cluded September twenty-seventh, eighteen hundred and  
thirty, and to that end may administer oaths, examine  
witnesses and perform all other acts necessary thereto  
and make report to the Secretary of the Interior."

It also appears that the applicant in M.C.R. 1089 claims  
rights in the Choctaw lands under article fourteen of the treaty  
between the United States and the Choctaw Nation concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Aaron Rudolph, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty; that the applicants embraced in M.C.R. 6240 claim said rights by reason of being descendants of Betsy Beam (nee Rudolph), who is alleged to have been an one-half blood Choctaw Indian. It further appears from the testimony submitted by the applicants in M.C.R. 6240 that the mother of said Betsy Beam (nee Rudolph) was named Heesler and was a full blood Choctaw Indian, but it can not be determined from said testimony whether the name Heesler, was the maiden name, or married name, or given name, of said person. It also appears from the testimony of said applicants that Aaron Rudolph was one of the Choctaw ancestors but no direct claim to rights as Mississippi Choctaws is made through him.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted



to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or to persons who heretofore were claimants thereunder, that any person bearing the given name of surname of Hoosier, or the said Aaron Rudolph, or Betsy Beam (nee Rudolph), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Peap C. Fronberger, Emily V. McLachlan, Philip McLachlan, Myrtle McLachlan, Nellie McLachlan, Maggie McLachlan, Thomas McLachlan, Corrine McLachlan, Winnifred McLachlan and Alice McLachlan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

ISSUED

James Bixby.  
Acting Chairman

ISSUED

T. B. Needles.  
Commissioner

ISSUED

C. R. Breckinridge.  
Commissioner

Muskogee, Indian Territory

FEB 6 1903

REFER TO M. C. R. 1089

Pump C. Franchiser

Consolidated Case

Table No. 1.

Hoosier (?)  
 full blood  
 ↓  
Betsy Rudolph 1/2  
 mar  
John P. Beam

Peter Beam  
 wife  
 Name not given

Susanna Beam  
 mar.  
Phillip Gronberger

Mar 6<sup>th</sup> 1880  
Emily V. Gronberger 39 1/2  
 mar.  
Thomas M<sup>c</sup> Kachlan, w.

- Philip M<sup>c</sup> Kachlan 17  
 Myrtle M<sup>c</sup> Kachlan 15  
 Nellie M<sup>c</sup> Kachlan 12  
 Maggie M<sup>c</sup> Kachlan 9  
 Thomas M<sup>c</sup> Kachlan 7  
 Corrine M<sup>c</sup> Kachlan 5  
 Thinnifred M<sup>c</sup> Kachlan 3  
 Alice M<sup>c</sup> Kachlan 1

Table No. 2.

Caron Rudolph

?

Lafayette Gronberger  
 wife, dead  
Sacie Gronberger

Mar 10<sup>th</sup> 1889  
Pomp C. Gronberger 27 1/2



Muskogee, Indian Territory, February 26, 1901.

P. C. Frobenberger,

Shawnee, Oklahoma Territory

Dear Sir:

We are hereby acknowledged of your letter of the 5th instant, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

You state in said letter that you have been identified by this Commission as a Mississippi Choctaw under the treaty of 1830 with sufficient evidence to substantiate the fact. That your ancestors were known to have Choctaw blood in their veins, and you wish to be informed if you can go into the Choctaw nation, Indian Territory and locate.

Referring to your letter you are informed that the records of the Commission show that on November 27th, 1900, P. C. Frobenberger, 29 years of age, of Hagar, Oklahoma, appeared before the Commission at Muskogee, Indian Territory and there made application for identification as a Mississippi Choctaw. There has been no documentary evidence submitted by you in support of such application.

The Commission has as yet rendered no decision in the matter of your application but contemplates doing so in the near future when a copy of the same will be mailed to you at your present post-office address. If the Commission should identify you as a Mississippi Choctaw Indian you would then be entitled to remove to the Choctaw-Chickasaw country as provided in the act of May 31st, 1900, which is as follows:

P. O. P.

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment."

Yours truly,

Acting Chairman.

M. O. B-1089

COPY.

M C R 1089

Waukegee, Indian Territory, February 6, 1903.

Pomp C. Froneberger,

Hagar, Oklahoma.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pomp C. Froneberger, et al., embracing the following applications for identification as Mississippi Choctaws:

Pomp C. Froneberger, M C R 1089  
Emily V. McLachlan, et al., " 6240

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pomp C. Froneberger, Emily V. McLachlan, Philip McLachlan, Myrtle McLachlan, Nellie McLachlan, Maggie McLachlan, Thomas

P.C.Freneberger--2

McLachlan, Corrine McLachlan, Winnifred McLachlan and Alice McLachlan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

COPY

M C R 1089

Muskogee, Indian Territory, February 6, 1903.

T. D. Taylor,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pomp G. Proneberger, et al., embracing the following applications for identification as Mississippi Choctaws:

Pomp G. Proneberger,	M C R 1089
Emily V. McLachlan, et al.,	M C R 6240

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pomp G. Proneberger, Emily V. McLachlan, Philip McLachlan, Myrtle McLachlan, Nellie McLachlan, Maggie McLachlan, Thomas



T. D. Taylor---

McKeehan, Corrine McKeehan, Winnifred McKeehan and Alice McKeehan as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

M C R 1089

COPY.

Muskogee, Indian Territory, February 6, 1903.

Nansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pomp C. Froneberger, et al., embracing the following applications for identification as Mississippi Choctaws:

Pomp C. Froneberger, M C R 1089  
Emily V. McLachlan, et al., M C R 6240

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Pomp C. Froneberger, Emily V. McLachlan, Philip McLachlan, Myrtle McLachlan, Nellie McLachlan, Maggie McLachlan, Thomas McLachlan, Corrine McLachlan, Winnifred McLachlan and Alice McLachlan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which



M HEN & Cornish--2

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

C O P Y .

Refer in reply to the following:  
Land 18888-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, February 6, 1904.

The Honorable

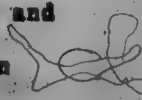
The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Pomp G. Frenseberger for the identification of himself; and of Emily V. McLachlan for the identification of herself and her eight minor children, Philip, Myrtle, Nellie, Maggie, Thomas, Corrine, Winnifred, and Alice McLachlan, all as Mississippi Choctaws.

On February 6, 1903, the Commission rendered a decision in this case, finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

I have examined the testimony submitted in this case and find that the claimant Pomp G. Frenseberger says he was born in Arkansas; that none of his ancestors ever complied with article



14 of the treaty of 1830; that he claims through his father Lafayette Freneberger and his great grandfather Aaron Rudolph, and his testimony shows that he has no knowledge as to whether the said Aaron Rudolph ever complied with said treaty provisions or held land by reason thereof in the state of Mississippi. The evidence further shows that said Lafayette Freneberger was born in North Carolina and that his forefathers were residents of that state.

The claimant Emily V. McLachlan testified that she was born in North Carolina, and further testifies that her mother, Susanna Freneberger, through whom she claims would be 78 or 79 years old, if living, and was born in North Carolina and never lived in Mississippi. Said applicant then undertakes to claim through certain ancestors but submits no evidence even tending to show that she has a right to be identified as a Mississippi Choctaw who complied or attempted to comply with the provisions of the treaty of 1830, or received land or scrip in lieu thereof, thereunder.

The fact appears to be that these applicants' ancestors were residents of North Carolina, and that they have no right whatever to be enrolled as Choctaw Indians entitled to rights in lands of the Choctaw Nation. There is no record evidence in this office, which taken in connection with the record evidence in this case, shows that these parties were entitled to identifi-

cation as Mississippi Choctaws, or that they have any rights whatever in the lands of the Choctaw Nation.

By reason of the foregoing I consider that these applications for such identification should be refused, and fully concur in the decision of the Commission, and recommend that it be affirmed by the Department.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

W. G. B. (B).

C O P Y .

D.C.No.6348-1904.  
I.T.E.1180-1904.

W.C.F.  
PHE.

DEPARTMENT OF THE INTERIOR,

L.R.8.

Washington, February 19, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Pomp C. Froneberger, for himself, and of Emily V. McLachlan for herself and her eight minor children, Philip, Myrtle, Nellie, Maggie, Thomas, Corrine, Winnifred and Alice McLachlan, including your decision of February 6, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaw Indians on their descent from Aaron Rudolph and Betsy Beam (nee Rudolph), who are alleged to have been Choctaw Indians. It is stated that the mother of Betsy Beam was named Hoosier.

The evidence fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

An examination of "A list of names of Choctaws to whom

Scrip was issued under the Fourteenth Article of the Treaty of Dancing Rabbit Creek", prepared by the Indian Office, has been made, and the names of the applicants' ancestors do not appear thereon.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 enclosure.

M.C.R.1089

Muskogee, Indian Territory, March 9, 1904.

Pomp O. Froneberger,

Hagar, Oklahoma.

Dear Sir:

You are hereby notified that on the 19th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pomp O. Froneberger, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

Commissioner in Charge.



M.O.R.1089

Muskogee, Indian Territory, March 9, 1904.

T. D. Taylor,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pomp C. Frenseberger, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

*T. W. Hedges*

Commissioner in Charge.

M.C.R.1089

COPY.

Muskogee, Indian Territory, March 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pomp C. Fronberger, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

*T. B. Nease.*

Commissioner in Charge.

M C R 1089

Muskogee, Indian Territory, March 9, 1906.

P. C. Froneberger,  
Lawton, Oklahoma.

Dear Sir:

Replying to your letter of the 4th instant, you are informed that on February 19, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered February 6, 1903, refusing your application for identification as a Mississippi Choctaw.

Letters heretofore written you concerning your case, and which were returned to this office undelivered, are herewith enclosed.

Respectfully,

Acting Commissioner.

MoM 9/1

1889  
For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name Ouis. B. Froueberger.

Age 27. Blood 1/16

Post Office, Hagar, Ok. Territory.

Father: La Fayette Froueberger - dead

Mother: Sallie Froueberger - ✓

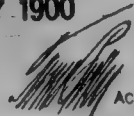
Claims through father.

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900



ACTING CHAIRMAN.

Stenographer:

Myra Young.

2876-1901 P.O. Fronsberger  
Shawnee, O.T.

MC R 1089, Pomp C. Fronsberger

The records show that on November 27, 1900, Pomp Fronsberger, 27 years old, of Hagar, Oklahoma, applied for identification as a Mississippi Choctaw. No documentary evidence has been filed in this case. No judgment has yet been rendered.

Atoka, February 27, 1901.

AB

*Sup. O. Thompson*  
**REFUSED**

DECISION RENDERED

FEB 6 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 6 1903

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS

FEB 6 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 6 1903

RECORD FORWARDED DEPARTMENT

FEB 24 1903

ACTION APPROVED BY  
SECRETARY OF INTERIOR

FEB 19 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

MAR - 9 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

MAR - 9 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

MAR - 9 1904

REFER TO M. O. B. 6246

Choc mcr 1090 William G. Hatfield

mcr 1090



*William S. Hatfield, etc.*

**REFUSED**

**DECISION RENDERED. JUL 28 1902**

**NOTICE OF DECISION MAILED APPLICANT.  
JUL 28 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.  
JUL 28 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 28 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR**

**AUG 28 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP - 5 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**SEP - 5 1902**

*Wm S. Hatfield, etc.*

*Oklahoma City, OK*

*Box 106 P.O. Little, T.*

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of William Green Hatfield, et al., for identification as Mississippi Choctaws, M C R 1090.

List of papers forwarded to the Secretary of the Interior, comprising the record in the application of William Green Hatfield, et al.

	Page.
Original application of William Green Hatfield, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Certified copy of certificate of marriage of Wm. Hatfield and Mattie King	5
Affidavit of I. M. Hobbs	6
Affidavit of A. Nichols	7
Affidavit of W. E. Barks	8
Affidavit of M. E. Duke	9
Decision of the Commission denying the application of William Green Hatfield, et al., for identification as Mississippi Choctaws	10

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 27, 1900.

In the matter of the application of William Green Hatfield for the identification of himself and his minor children as Mississippi Choctaws.

William Green Hatfield, having been first duly sworn, on his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A William Green Hatfield.  
Q What is your age? A I am thirty three years old the 12th of January  
Q What is your post office address? A Ardmore.  
Q Are you a resident of the Indian Territory? A Yes sir.  
Q How long have you resided there? A Well, sir, I was born right over across the river about a mile --  
Q Wait a moment. How long have you resided in the Indian Territory?  
A I guess I was raised here, I have never been out of it hardly at all.  
Q You was born in Indian Territory? A No sir, I was born in Texas.  
Q You were born in Texas. How long did you live in Texas? A Well, I don't know, we didn't live there long.  
Q How long? A Six or seven years.  
Q Did you remove from Texas to Indian Territory? A Yes sir.  
Q How long did you live there? A I have lived there always.  
Q You said you went to Oklahoma. How long did you live in Oklahoma.  
A About seven years.  
Q When did you return to Indian Territory? A A year ago the seventh day of last December.  
Q The seventh day of December, 1899, you came back to the Indian Territory? A Yes sir.  
Q The seven years prior to that time you was a resident of Oklahoma? A Yes sir.  
Q You lived in Texas until you were six or seven? A Yes sir.  
Q During your residence in the Chickasaw Nation were you ever recognized by the Chickasaw or Choctaw tribal authorities as a citizen of either of those Nations? A I never was. I don't know.  
Q You would know if you was ever enrolled or recognized as a citizen, wouldn't you? A No sir, I never made no claim.  
Q How much Choctaw blood do you claim? A My father was a quarter.  
Q How much do you claim? A I guess I would be a quarter.  
Q What is your father's name? A Green Lee Hatfield.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Elaira Hatfield.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How long has your father been dead? A About thirty two years. I was about six months old when he died.  
Q Where did he die? A Illinois Bend, Texas. Montague County.  
Q He was a citizen of the state of Texas? A No, he was an Indian but he moved over there.  
Q When did he move over there? A Why, he moved over there, I could not tell you, he moved just a short time before he died, I can tell you how he come to move there.  
Q How? A Why the Kiowas and the Comanches were there and there was a town down there and he moved over there for protection.

William Green Hatfield-2

- Q Was your father ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Yes sir, he was looked on --
- Q How was he recognized? A How was he recognized? I could not tell you; he died when I was six months old.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A Never did in my life.
- Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of that Nation? A No sir.
- Q Did you, or did any one in your behalf, in 1896, make application to this Commission under the act of June 10, 1896 for citizenship in the Choctaw Nation? A I don't know.
- Q You would know whether you had or not? A No, I not remember.
- Q Did you authorize any one to do so for you? A No sir.
- Q Have you any reason to believe that any was made? A Don't think it was.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.
- Q Have you ever prior to this time made any application either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment in the Choctaw Nation? A No sir.
- Q This is your first application of any description, is it? A Yes sir.
- Q It is now your purpose to be identified by this Commission as a Mississippi Choctaw? Is that correct? A Yes sir.
- Q Why do you think that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in Choctaw lands under the fourteenth article of the treaty of 1830? A My father's mother was a half breed Choctaw woman, and her mother--
- Q Your mother? A No my father's mother. That would be my grandmother. And her father, William Yarp was a full blood Choctaw.
- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Well, I don't know, I reckon.
- Q Are you are you not? We want to know what your claim is? A Yes, I want to prove up.
- Q What do you want to prove? A A Choctaw.
- Q A Mississippi Choctaw? A Yes sir.
- Q Are you making your claim under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I could not tell you.
- Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States? A Well, I could not say. I don't know.
- Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, at the time the treaty was entered into between the United States and the Choctaw Indians? A My grandfather Yarp lived in Tennessee--
- Q Wait a moment. What was the name of your ancestor who was recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A John Yarp.
- Q Have you any evidence showing that he was a recognized member of the Choctaw tribe? A Yes sir.
- Q What does it consist of? A Old man Dukes a Mississippi Choctaw lives at Ardmore and--
- Q What do they know about it? A They sold him goods there in Cherokee County, I believe, aint there a county there named Cherokee--
- Q What evidence have you that this man Yarp was a recognized member of the Choctaw tribe of Indians in Mississippi at the time this treaty was made? A Why, I don't know.

William Green Hatfield-5

- Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I could not say, I don't know.
- Q You have never been recognized by the Choctaw Indians? A No sir.
- Q You were born in Texas thirty three years ago? A Yes sir.
- Q How long prior to your birth were your parents residents of the state of Texas? A I don't know, I don't think they were there but just a little while.
- Q Where did they come from? A They come from California.
- Q How long had they been in California? A The old man left Tennessee -
- Q How long had they been in California? A Well, I don't think they stayed there but a year and they they come to this country.
- Q Where did they go to California from? A From Tennessee, Morgan County.
- Q Was you born in Texas? A Yes sir.
- Q How old was your father when he left Tennessee? A Why, he said he was twenty one years old when he left there in 1849.
- Q Your father was born in Tennessee? A Yes sir.
- Q He must have been born there about 1828 was he? A I guess so.
- Q He lived in Tenn: twenty one years up to when he moved to California? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mattie Hatfield.
- Q Are you making any claim for your wife? A No sir, just me and my children.
- Q Your wife is a white woman? A Yes sir.
- Q She never made any claim to Indian citizenship by blood? A Who, me?
- Q Your wife? A Oh no sir, she is a white woman.
- Q Have you any children? A Three.
- Q They are under twenty one years of age and unmarried? A Yes sir.
- Q What are their names and ages? A Gertie, she is 8 the 20th of next June; Lallah Hatfield, she will be six years old the 8th of next August.
- Q The next one? A William Alfred he was a year old the 1st day of this month.
- Q You are the father of these children? A Yes sir.
- Q Mattie Hatfield is the mother? A Yes sir.
- Q Where did you marry Mattie? A In Oklahoma.
- Q When? A Eight years ago.
- Q Married in accordance with the laws of Oklahoma? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir

Commission:

It will be necessary for you to furnish the Commission evidence of your marriage to Mattie Hatfield, in the matter of the application for identification of your minor children.

- Q Do you make any claim under any other treaty provisions that the fourteenth article of the treaty of 1830? A No sir.
- Q Base your claim solely on that article of that treaty? A Yes sir.
- Q Is there any additional statement you desire to make in support of your application? A No sir, I guess not. I want to know when you want me to put in my evidence and proof.

By the Commission:

Permission is granted the applicant to offer additional evidence in support of this application, provided the same is offered for filing to the Commission within twenty days if from the date hereof.

A copy of the decision of the Commission in regard to your application and the application you make on behalf of your minor children for identification as Mississippi Choctaws will be mailed to you within the near future to your present post office address.

William Green Hatfield-4

Anna Bell, having been first duly sworn, on hereath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings had in the above entitled cause on November 27th, 1900, and that the above and foregoing is a full, true, and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 28th day of November, 1900.

*Guy L. Emerson*  
Notary Public.



COPY.

Montezuma, Indian Territory, January 7, 1901.

Leabatter & Blodgett,

Armore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of December 24th, 1900, enclosing affidavits of Wm. Binks, M. W. Dukes, I. E. Hobbs and A. Nicholas, offered by you for filing in the matter of the application of William G. Hatfield for identification of himself and three minor children as Mississippi Choctaws, and the same have been duly filed with the other papers in this case.

The Commission has also received and filed with the record in this case, the certified copy of the marriage certificate between Will Hatfield and Miss Mattie King.

Yours truly,

SIGNED

*Tarns Bixby.*

Acting Chairman.

M. C. R-1090



COPY.

Muskogee, Indian Territory, March 26, 1901.

W. G. Hatfield,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant in which you state that you are a Mississippi Choctaw and desire to be informed if your case has been passed on.

Replying to your letter you are informed that the records of this Commission show that William G. Hatfield, appeared before the Commission at Muskogee, Indian Territory, on November 27th, 1900 and made application for the identification of himself and his three minor children as Mississippi Choctaws.

The Commission has not up to this time taken any action in the matter of such application but contemplates doing so in the near future when a copy of the same, stating fully therein the reason for any action that may be taken by the Commission, will be mailed to you at your present post-office address.

Yours truly,

SIGNED

*Tamie Bixby.*

• Acting Chairman.

M. C. 8-1069.

COPY.

Muskogee, Indian Territory, April 2nd, 1901.

Mr. W. A. Hatfield,

Armore, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 25, 1901, in which you request information relative to your application for identification as a Mississippi Choctaw.

You are informed that, as soon as the Commission has reached a decision in your case, a copy of the same will be mailed to you at your present post office address.

Yours truly,

SIGNED. *Lama Bixby.*

Acting Chairman.

M. O. R., 1900.

COPY.

Muskogee, Indian Territory, April 2nd, 1901.

Ledbetter & Bledsoe,

Ada, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 26, 1901, requesting to be advised whether or not the Commission had passed upon the application of W.G. Hatfield for citizenship, and if so, what the result was. You are informed that on November 27, 1900, William G. Hatfield appeared before the Commission at Muskogee, and applied for identification of himself and children, Gertie, Lillian and William A. Hatfield, of Mississippi Choctaws. No decision by the Commission had yet been made in this case.

Respectfully,

SIGNED *Jane Dixby*

Acting Chairwoman.

M.G.R. 1090.

COPY.

Muskogee, Indian Territory, July 24, 1901.

Mr. William G. Hatfield,  
Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30, 1901, in which you desire to be informed as to what action has been taken by the Commission relative to your application for enrollment as a citizen of the Choctaw Nation.

You are informed that it does not appear from our records that you have ever been an applicant for enrollment as a citizen of the Choctaw Nation, but that on November 27, 1900, at Muskogee, Indian Territory, you made application to this Commission for the identification of yourself and three minor children as Mississippi Choctaws. The Commission has not up to this time rendered any decision or opinion relative to your rights as Mississippi Choctaw, and it is probable that no such action will be taken for some time to come. Should you desire to introduce the testimony of any witnesses in person or submit any documentary evidence, depositions or affidavits, the same will be accepted and considered by the Commission in the disposition of your claim. No opinion can be rendered as to the probable disposition of any applications for identification as Mississippi Choctaws at this time.

Yours truly,

SIGNED *T. B. Needles*

Commissioner in Charge

COPY.

Muskogee, Indian Territory, November 13, 1901.

William G. Hatfield,  
Oklahoma City, Oklahoma.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant, in which you desire to be informed if the Commission has rendered any decision relative to your rights to citizenship in the Choctaw Nation, and in which you also advise that your present post office address is Oklahoma City, Oklahoma.

Replying to your communication you are informed that the Commission has not up to this time taken up for consideration or rendered any opinion relative to the rights of yourself and children as Mississippi Choctaws, and it is probable that no definite action will be taken until sometime to come. When a decision is reached you will be duly notified of such action as may be taken by the Commission.

The change of your post office address has been made a matter of record with the Commission.

Yours truly,

SIGNED

*James Bixby*

N. G. 1090.

Acting Chairman.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*W. G. Hatfield  
et al.*

In the matter of the application of William Green Hatfield, et al., for identification as Mississippi Choctaws, M. S. N. 1900.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by William Green Hatfield for himself and his three minor children, Curtis, Lillian, and William Alfred Hatfield, under the following provision of the act of Congress approved June 28, 1900, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

descendants of one John Yarp, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of that tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321.)


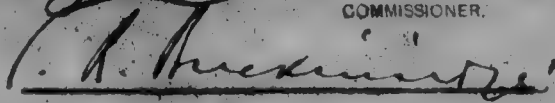
It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Yarp, or any less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of



William Green Hatfield, Gertrude Hatfield, Lallah Hatfield, and William Alfred Hatfield, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
ACTING CHAIRMAN.  
  
\_\_\_\_\_  
COMMISSIONER.  
C. H. McKinstry  
\_\_\_\_\_  
COMMISSIONER.

Muskogee, Indian Territory,

JUL 28 1902

COPY.

M.C.R. 1000.

Muskogee, Indian Territory, July 28, 1902.

William G. Hatfield,

Oklahoma City, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Green Hatfield, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 20, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

V & H 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Green Hatfield, Gertrude Hatfield, Lillian Hatfield, and William Alfred Hatfield, as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 1000.

Wuskogee, Indian Territory, July 26, 1902.

Wanfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South Wallester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Green Hatfield, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

11 MAY 1902

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Owen Hatfield, Curtis Hatfield, Sallan Hatfield, and William Alfred Hatfield, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

COPY.

H.S.R. 1000.

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Green Hatfield, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 28, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Through the Commissioner of  
Indian Affairs.

1 enclosure.



D. C. 14080-1902.

51465

RAY.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4853-1902.

August 28, 1902.

L. S. B.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

With letter of July 28, 1902, you transmitted the record in the matter of the application for identification of William Green Hatfield and his minor children, Gertie, Lallah and William Alfred Hatfield, as Mississippi Choctaws.

The applicants attempt to trace their descent from one John Yarp, alleged to have been a full-blood Choctaw Indian resident in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that John Yarp or a less remote ancestor of applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 ( 5 Stat., 180), and August 23, 1842 ( 5 Stat., 513). You denied the application July 28, 1902.

The Acting Commissioner of Indian Affairs transmitted the papers August 8, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.



-2-

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

1 inclosure.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land. 45,514-1902.

Washington, August 8, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report, dated July 28, 1902, from Thomas B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record relative to the application of William Green Hatfield, et al., who applies for the identification of himself and his minor children, Gertie, Lallah and William Alfred Hatfield, as Mississippi Choctaws claiming rights in the lands of the Choctaw Nation under the provisions of Article 14 of the treaty of 1830.

July 28, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

They attempt to trace their descent from John Yarp.

The records of the office do not show that the alleged original ancestor of the principal applicant complied or attempted to comply with the provisions of Article 14 of the treaty of 1830, or that he applied to the commissions appointed under the acts of

March 3, 1837 and August 23, 1842, for an adjudication of his rights.

It is therefore recommended that the decision of the commission rejecting these applicants be approved.

Very respectfully,

Your obedient servant,

(G.A.W.)

A. C. Tenner,

Acting Commissioner.

M.C.R. 1090.

COPY.

Muskogee, Indian Territory, September 6, 1902.

William G. Hatfield,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippian Cherokees of the several persons included in the application of William G. Hatfield, et al., of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

(SIGNED).

*James Bixby*

Acting Chairman.

COPY

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of William C. Hatfield, et al., of which decision you were duly advised by mail on the 28th day of July, 1902.

Yours truly,

(SIGNED)

*Tams Bixby.*

Acting Chairman.

NO 3 2 1040

**Mr. J. Robinson**

DEAR Sir:

This office is in receipt, by reference from Mr. F. P. Brahmson, of a letter written by you under date of December 17, 1934, in which it is stated that a client of yours, William G. Katschke, desires a copy of all evidence used in his citizenship case.

Replying to your communication you are informed it appears from our records that on August 25, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by William G. Hatfield for the identification of the bones of the late General William B. Chouteau.

The record in this case is in the hands of the Department and it is suggested that you correspond with the Secretary of the Interior in regard to the matter.

Respectfully,

SIGNED *Terry Bixby*

## Global Impact



C O P Y

J.H.W.

Land  
46642-1905

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, June 22, 1905.

The Commission to the  
Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

Referring to Department letter of August 28, 1902, affirming your decision adverse to the applicants in the Mississippi Choctaw Case of William Green Hatfield, et al., you are now advised that under date of June 17, 1905, the Department denied the motion, filed by Henry W. Scott, Attorney for Hatfield, for a review of said Departmental decision above referred to.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WHE

C



MON 1099

COPY

Muskogee, Indian Territory, July 10, 1906,

Ira B. Babanks,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Will you kindly advise this office of the present post office address of William G. Hatfield, a Mississippi Choctaw Applicant, formerly of Oklahoma City? An early reply will be appreciated.

Respectfully,

SIGNED

*Tamm Bixey*

Commissioner.

TO THE HONORABLE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
AT MUSKOGEE, INDIAN TERRITORY.

And now come William J. and Mattie Hatfield, by their Attorney, W. Chenault, and state for themselves and their four minor children, that they have heretofore appeared before the Dawes Commission as applicants for Citizenship under the law pertaining to the enrollment of Mississippi Choctaws. That said application was duly denied and the decision confirmed by the Secretary of Interior for the reason that the proof furnished was inadequate to support claims made.

They respectfully state that since that time they have been able to secure ample proof of the claims made by them and that if a day is set and opportunity given, they can and will bring two or more witnesses who have lived in Mississippi and were well acquainted with the Ancestor through whom they claim Citizenship, and who will show that such Ancestor did fully comply with the terms of the Treaty made September 27, 1830; and that by such compliance they are entitled to be enrolled as Mississippi Choctaws.

The affidavits of the parties who will make the proof herein before referred to, are in hand and could be filed with this request for a rehearing if necessary. Said affidavits give not only the name and age and residence of the Ancestor through whom they claim Citizenship, but also give the Indian name of such Ancestor with the fact of his acceptance under the Fourteenth Article of the Treaty of 1830.

They respectfully ask that you permit them to appear before you and make proof as above stated, and that on doing so they be identified and enrolled as Mississippi Choctaw Citizens.

Respectfully,

M C R 1090

COPY.

Muskogee, Indian Territory, July 23, 1906.

W. Chenault,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The motion for rehearing in the Mississippi Choctaw case of William G. Hatfield, et al. filed in this office June 25, 1906, has this day been transmitted to the Secretary of the Interior.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

M C R 1090

COPY.

Muskogee, Indian Territory, July 23, 1906.

William G. Hatfield,  
Post Office Box 423,  
Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 14, 1906, asking if one W. Chenault has reopened your case and requesting to be allowed to submit further evidence in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that the motion filed in this office by W. Chenault June 25, 1906, for a rehearing of your application for identification as a Mississippi Choctaw has this day been forwarded to the Secretary of the Interior.

This office has no authority to receive any further evidence in support of your claim unless directed to do so by the Department.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

COPY.

Muskogee, Indian Territory, July 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of William G. Hatfield, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of July 28, 1902, adverse to the applicants, was, on the same date, forwarded the Department.

August 28, 1902 (I T D 4853-1902), the Department affirmed the decision of said Commission refusing to identify the applicants in the above case as Mississippi Choctaws.

June 22, 1905 (Land 46648-1905), the Acting Commissioner of Indian Affairs advised the Commission to the Five Civilized Tribes that under date of June 17, 1905, the Department denied a motion for a review of Departmental decision above referred to.

June 25, 1906, this office received from W. Chenault, attorney for William J. and Mattie Hatfield, a request for a rehearing of their applications. The motion is herewith transmitted.

It appears that no application has ever been made for Mattie Hatfield, the wife of William G. Hatfield.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

Through the Commissioner  
of Indian Affairs.  
McM. 23/2

M C R 1090

COPY.

Muskogee, Indian Territory, September 5, 1906.

W. G. Hatfield,

Tuttle, Indian Territory.

Dear Sir:

Replying to your letter of August 1, 1906, addressed to the Honorable Secretary of the Interior and by him referred to this office for appropriate action, you are advised that the Choctaw and Chickasaw land offices have this date been instructed to permit you, in person or by petition, to indicate the lands upon which you and your minor children who are applicants for identification as Mississippi Choctaws are the actual owners of improvements and which you anticipate selecting as the allottable interest of yourself and children in the lands of the Choctaw-Chickasaw country.

Respectfully,

SIGNED

*Wm. O. Beall.*

Acting Commissioner.

M C R 1090

COPY.

Muskogee, Indian Territory, September 5, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Secretary of the Interior, of a letter from W. G. Hatfield, Tuttle, Indian Territory, requesting that he be allowed to select his prospective allotment.

You are advised it appears from the records of this office that William G. Hatfield and his three minor children, Gertie, Lallah and William A. Hatfield, are rejected Mississippi Choctaw applicants, but now have pending before the Department a motion for review.

You will therefore allow Mr. Hatfield to indicate, in person or by petition, such lands as he and his children anticipate selecting as their allotments in the event they are finally identified.

See General Office letter of even date relative to applicants in consolidated Mississippi Choctaw case of Mary Ann Denton, et al.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.



M C R 1090

COPY.

Muskogee, Indian Territory, September 5, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

This office is in receipt, by reference from the Secretary of the Interior, of a letter from W. G. Hatfield, Tuttle, Indian Territory, requesting that he be allowed to select his prospective allotment.

You are advised it appears from the records of this office that William G. Hatfield and his three minor children, Gertie, Lallah and William A. Hatfield, are rejected Mississippi Choctaw applicants, but now have pending before the Department a motion for review.

You will therefore in accordance with the instructions furnished your office under date of September 4th and 5th, relative to permitting undetermined Mississippi Choctaw applicants to designate their prospective allotments, allow Mr. Hatfield and his children above named to indicate such lands as they anticipate selecting as their allottable interests in the lands of the Choctaw-Chickasaw country in the event they are finally identified.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*William Henry Halford Ekaf*

*MER 1090*



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1094

1190

67/

William Hatfield,  
Oklahoma City,  
Oklahoma.



RETURN TO SENDER  
Unclaimed

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

W. J. B. 1000.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Wichita, Indian Territory, July 20, 1900.

William C. Hatfield,

Oklahoma City, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 20th day of July, 1900, the Commission to the Five Civilized Tribes rendered a decision in the case of William Green Hatfield, et al., applicants for identification as Chickasaw Indians.

This application was made under the provision of the act of Congress of June 20, 1898 (30 Stats. 406) which is as follows:

"Said Commission shall have authority to determine the identity of Cheater Indians claiming rights in the Cheater lands under article fourteen of the treaty between the United States and the Cheater Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

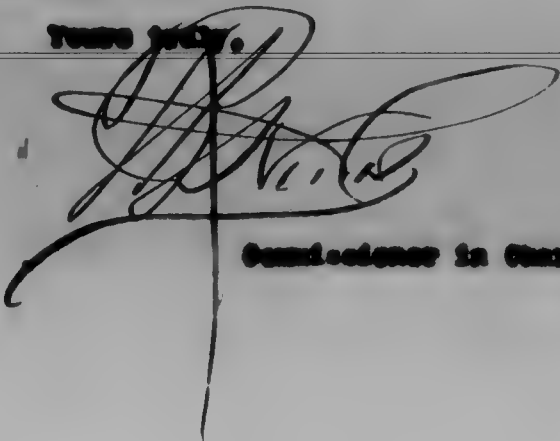
Said decision concludes as follows:

**VOE 2**

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Owen Hatfield, Curtis Hatfield, Lillian Hatfield, and William Alfred Hatfield, as Shoshone Indians entitled to rights in the Shoshone lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

**Commissioner in Charge.**

**Registered.**

Department of the Interior.

Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*Not intended for  
Commissioner of  
Cherokee  
Miss Choctaw did*

*To Choctaw*

~~W. Chenault,~~

~~Muskogee, Ind. Ter.~~

UNKNOWN

MUSKOGEE  
JUL 23  
5-PM



MUSKOGEE  
AUG 22  
3-PM

GENERAL DELIVERY  
AUG  
P.M.  
MUSKOGEE

CHOCTAW  
1906  
AUG  
30  
1-PM

mm

REFER IN REPLY TO THE FOLLOWING:

M C R 1090

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 23, 1906.

W. Chenault,

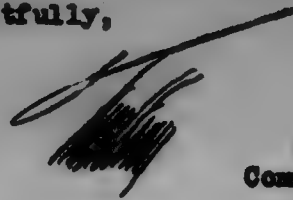
Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The motion for rehearing in the Mississippi Choctaw case of William G. Hatfield, et al. filed in this office June 25, 1906, has this day been transmitted to the Secretary of the Interior.

Respectfully,



Commissioner.



MUR-1090

Muskogee, Indian Territory, October 15, 1906.

Isaac W. Howard,

Francis, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 27, 1906, requesting to be advised whether George Patterson and family and Elax Sells and family have filed applications for citizenship. You also request to be advised the status of the case of William G. Hatfield.

In reply to your letter you are advised that this office is unable to locate the names of George Patterson and Elax Sells upon its records as applicants for enrollment as citizens of the Choctaw Nation or for identification as Mississippi Choctaws.

You are further advised that on August 28, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes refusing to identify as Mississippi Choctaws the several applicants in the case of William G. Hatfield et al.

June 25, 1906, this office received from W. Chenault a request for a rehearing of the case in question. This request, in the form of a motion for rehearing, was forwarded to the Sec-

I. V. H. -- -- -- (3)

Secretary of the Interior July 25, 1906, and up to the present time  
this office has not been advised of any Departmental action  
thereon.

Respectfully,

General Sclater.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
PHE.

D.C. 48517-1906.  
I.T.D. 20566-1906.  
L.R.S.

November 1, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Mississippi Choctaw case of William G. Hatfield, et al, received with your letter of July 23, 1906, is denied, as it is made by the attorney for the applicants, is not under oath, and is not supported by affidavit of the principal applicant or of the parties proposed to be introduced as witnesses should a rehearing be granted; furthermore, it merely alleges in general terms that it can be shown that the alleged ancestor through whom the applicants claim, complied with the fourteenth article of the treaty of 1830.

As stated by you, it does not appear that application was made for Mattie Hatfield, the wife of William G. Hatfield.

A copy of Indian Office letter of October 11, 1906 (Land 63648), submitting your report, is inclosed. The motion and other papers have been sent to the Indian Office for its files.

Respectfully,  
(Signed) E. A. Hitchcock  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 5 to Ind. Of.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land  
51468-1902.  
63648-1906.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of August 28, 1902,  
(I.T.D. 4853-1902), I have the honor to transmit herewith a re-  
quest for a rehearing in the Mississippi Choctaw case of William  
G. Hatfield, et al. There is also inclosed the record in the  
case.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EHM-KRW.

M.C.R. 1090.

COPY

Muskogee, Indian Territory, November 13, 1906.

W. Chenault,

Attorney at Law,

Sulphur, Indian Territory.

Dear Sir:

There is inclosed herewith copy of Departmental letter of November 1, 1906, denying the motion filed with this office by you on June 25, 1906, for a rehearing in the Mississippi Choctaw case of William G. Harfield, et al.

Respectfully,

Commissioner.

LEA 13-10.

M.C.R. 1090.

COPY

Muskogee, Indian Territory, November 13, 1906.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is inclosed herewith copy of Departmental letter of November 1, 1906, denying the motion filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the Mississippi Choctaw case of William G. Hatfield, et al.

Respectfully,

Commissioner.

LBA 15-11.

M.C.R. 1090.

COPY

Muskogee, Indian Territory, November 13, 1906.

Isaac W. Howard,

Francois, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied the motion filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the Mississippi Choctaw case of William G. Hatfield, et al.

Respectfully,

Commissioner.



M.C.R. 1090.

COPY

Muskogee, Indian Territory, November 13, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied the motion filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the Mississippi Choctaw case of William G. Hatfield, et al. This case includes the following persons:

William Green Hatfield  
Lallah Hatfield

Gertie Hatfield  
William Alfred Hatfield

It does not appear that there are any proceedings now pending in this case.

Respectfully,

Commissioner.

M.C.R. 1090.

COPY

Muskogee, Indian Territory, November 13, 1906.

William G. Hatfield,

Tuttle, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied the motion filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the Mississippi Choctaw case of William G. Hatfield, et al.

Respectfully,

Commissioner.

M U R 1090

Muskogee, Indian Territory, December 5, 1906.

Isaac W. Howard,

Francis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 18th, requesting to be advised why William G. Hatfield has been denied enrollment.

The records of this office show that at Muskogee, Indian Territory, November 27, 1900, William Green Hatfield made application for the identification of himself and minor children as Mississippi Choctaws. This application was refused by the Commission to the Five Civilized Tribes July 28, 1902. The Commission's action was affirmed by the Secretary of the Interior August 28, 1902.

When Hatfield submitted his application he testified that he had never been recognized by the Choctaw or Chickasaw tribal authorities as a citizen of either Nation, and had never made any claim to citizenship prior to making the Mississippi Choctaw application. Whatever rights he might have had as a Choctaw or Chickasaw citizen were passed upon in the Commission's decision of July 28, 1902.

It appears that no further action was taken in this mat-

I V H 2

ter until June 25, 1906, when W. Chenault, an attorney for William G. Hatfield, filed with this office a request for a rehearing of the case in question. This request, in the form of a motion, was forwarded the Secretary of the Interior for his consideration, July 23, 1906. It was denied November 1, 1906, a copy of Departmental letter of that date being herewith enclosed for your information.

This office has no authority to take any further action in Mr. Hatfield's case and the same is considered closed.

Respectfully,

Acting Commissioner.

McM 00

No. 1090

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name William G. Hatfield.

Age 39. Blood 1/8

Post Office, Ardmore, I. T.

Father: Green Lee Hatfield - dead.

Mother: Elzira Hatfield - dead.

Claims through father.

WIFE:

Mattie Hatfield.  
(No claim for wife).

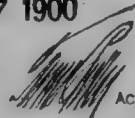
Children:

Gertie Hatfield 8.  
Lallah " " 6.  
William A. " " 1

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900



ACTING CHAIRMAN.

Stenographer:

Anna Bell.

One copy of original  
testimony of Nov. 27, 1900  
and copy of decision  
of July, 28, 1902 to  
Clarence B. Douglas,  
Aug, 23d, 1902.  
W. O. Ball,



Chas MCR 109/ Walter J.B. Richards

See MCR 219

MCR 109/



CHOCTAW  
*Mr. J. B. Richards*  
**REFUSED.**

**DECISION RENDERED.**

**JAN 29 1902**

**RECORD FORWARDED DEPARTMENT.**

**FEB 4 1902**

**NOTICE OF DECISION MAILED APPLICANT**

**FEB 4 1902**

**COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.**

**FEB 4 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**FEB 4 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR**

**MAR 31 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**APR 9 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.**

**APR 9 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**APR 9 1902**

**REFER TO M. C. R. 219**

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 27, 1900.

In the matter of the application of Walter J. B. Richards for the identification of himself and his minor children as Mississippi Choctaws.

Walter J. B. Richards, having been first duly sworn, testifies as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Walter J. B. Richards.  
Q What is your age? A Forty six.  
Q What is your post office address? A San Antonio, Texas.  
Q How long have you been a resident of the state of Texas? A Forty six years, since I was born.  
Q Born in Texas? A Yes sir.  
Q Lived there all your life? A Yes sir.  
Q Never maintained a residence elsewhere? A No sir.  
Q You are making application for identification as a Mississippi Choctaw? A Yes sir.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A Frank Richards.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Julia King at present.  
Q Her name was formerly Richards was it? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q Was your mother's name ever on any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Was she ever recognized by the Choctaw tribal authorities as a citizen of that Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council, as a citizen of the Choctaw Nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to this Commission under the act of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.  
Q Have you ever prior to this time made any application either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment in the Choctaw Nation? A No sir.  
Q This is your first application of any description? A Yes sir.  
Q You are now making application as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian claiming lands in the Choctaw Nation under the provisions of the fourteenth article of the treaty of 1830? A Because I am the descendant of Elizabeth Barnett.  
Q You are making your claim then as a beneficiary under the fourteenth article of the treaty of 1830? A Well so far as that treaty is concerned - any and all treaties that is in favor of the Choctaw Indians.  
Q The only authority vested in this Commission to hear and determine

the rights of applicants as Mississippi Choctaws is contained in Section twenty one of the Act of June 28, 1898, which is commonly known as the Curtis Act and provides that this Commission shall hear and determine the rights of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the Choctaw Indians and the United States executed September twenty seventh, 1830, and only under that clause of that treaty can the Commission hear and determine the rights of applicants as Mississippi Choctaws. A Well, I claim under that.

- Q Under the fourteenth article of the treaty of 1830. Are you familiar -- A No sir.
- Q The treaty of 1830 was entered into between the United States and the Choctaw Indians who were then residents of the state of Mississippi, and provided for the removal of the Choctaw Indians to the lands west of the Mississippi, which is the present Indian Territory. The fourteenth article of that treaty gives to the Choctaw Indians in Mississippi who did not want to move to the country west of the Mississippi the option of remaining and becoming citizens of the state, and the article fourteen reads as follows:
- "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."
- Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A Well, if I understand that correctly that they were given land there in Mississippi?
- Q Yes sir? A No sir, I think not, because they were here in Texas in 1830.
- Q They were in Texas in 1830? A Yes sir.
- Q What is the name of your ancestor who was a Choctaw Indian and recognized as such by the United States authorities and by the Choctaw authorities in Mississippi in 1830. A Well, I don't know that she was recognized.
- Q What was her name? A Elizabeth Barnett; I don't know that she was recognized by the United States Government as you said.
- Q Was Elizabeth Barnett a resident of the state of Mississippi in 1830 A Well, I can't-- I think, as near as I can tell from what I have learned that it was about that time that they removed from Mississippi.
- Q Where did they remove to from Mississippi? A To Grayson County, Texas.
- Q Did Elizabeth Barnett or any of your ancestors through whom you might claim this right to identification signify their intention to remain and become a citizen of the United States, to the United States Indian Agent, within six months after the ratification of the treaty of 1830? A I could not answer that.
- Q Did any of your ancestors ever claim or receive any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Not that I know of.
- Q You have been a resident of the state of Texas for forty six years A Yes sir.
- Q Have maintained a continuous residence there for that length of time? A Yes sir.

Walter J. B. Richards- 3.

- Q You claim the right to identification as a Mississippi Choctaw.  
How long had your mother lived in Texas before you were born?  
A Sixty four years.  
Q Had your mother lived there sixty four years before you were born?  
A Eighteen years before.  
Q Was your mother born in Texas? A Well, now, I cant say that positively, I think so.  
Q Do you know where here people came from to Texas? A Well, they came from Mississippi, her father did.  
Q Do you know when? A About 1830; in the neighborhood of 1830.  
Q Do you know about what time in the 30's? A No sir.  
Q Let me see, your mother would be sixty four years of age, is she?  
A Yes sir.  
Q She was born in Texas? A I think so. I have never heard.  
Q She would be born then about 1836? A Who?  
Q Your mother? A Yes sir.  
Q Now her parents had come from Mississippi to Texas, or had they left Mississippi, how many years before she was born? A I don't know  
Q Had they left Mississippi before ~~her~~ birth? A I think that they left there about '30. I don't know just when.  
Q Are you making any claim under any other treaty stipulations entered into between the United States and the Choctaw Indians? A No sir  
Q Making your claim solely as a beneficiary under the fourteenth article of the treaty of 1830? A Under all treaties.  
Q What do you mean by all treaties? A There may be some other treaties that I don't know anything about.  
Q What do you claim? A I claim whatever rights may be given.  
Q Do you know of any other treaty? A No sir.  
Q What do you mean by claiming under all treaties? A Why, I don't know of any, but I thought there might be some.  
Q The only treaty which gives any rights to applicants to be identified as Mississippi Choctaws is the fourteenth article of the treaty of 1830? A I claim under that and if there is any other treaty, I claim under that.  
Q What do you mean by all other treaties? A I don't know, I thought there might be others. You said there are no others--  
Q No, I didn't say that --  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Imogene  
Q Are you making any claim for your wife? A No sir.  
Q She is a white woman? A Yes sir.  
Q She has never made any claim to Indian citizenship by blood? A No sir.  
Q Where did you marry her? A In Cleburne, Texas.  
Q When? A In '80, I think.  
Q Have you your marriage license and certificate? A No sir.  
By the Commission:  
It will be necessary for the Commission to be furnished with evidence of your marriage to your wife, in the matter of the application for identification of your minor children.  
Q Have you your marriage license and certificate? A No sir.  
Q Married under the laws of the state of Texas? A Yes sir.  
Q Are the records of the county still intact? A Yes sir.  
Commission: You can get a certified copy of your marriage license and certificate.  
Q What are the names and ages of your children for whom you desire to make application? A Claud Henry Richards.  
Q How old? A Ten years.  
Q All right? A Murrell Richards, seven.  
Q The next one? A That is all.  
Q You are making application for two children? A Yes sir.  
Q You are the father of these two children? A Yes sir.  
Q Imogene Richards is the mother? A Yes sir.  
Q These children live with you at your home? A Yes sir.

Walter J. B. Richards-4

- Q You and your wife live together do you? A Yes sir.  
Q Is there any additional statement you desire to make in support of your application? A I have some affidavits.  
Q Have you them with you? A Yes sir.

There is offered in evidence and made a part of the record in this case the original application of Walter J. B. Richards, the affidavits of Shadrach Potts, John Lewis, I. P. Henson, J. S. Martin, Jonas Frazier, Charles Smith and William S. Thurman, marked Exhibit A, filed and made a part of the record in this case.

By the Commission.  
The decision of the Commission as to your application and the application you make on behalf of your two minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post office address.

Applicant asks to have his mail addressed Care Frost National Bank.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on November 27th, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 28th day of November, 1900.

*Guy L. V. Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Walter J.B.Richards for the identification of himself and his minor children, Claud Henry and Murrell Richards, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Walter J.B.Richards appeared before the Commission at Muskogee, Indian Territory, November 27, 1900 and there made application for the identification of himself and his minor children, Claud Henry Richards and Murrell Richards, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (Public No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Walter J. B. Richards and his minor children, Claud Henry Richards and Murrell Richards, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

ACTING CHAIRMAN.



Muskogee, Indian Territory, September 9, 1901.

Mr. Walter J. B. Richards,

San Antonio, Texas.

Dear Sir:

*Go First Nat Bank*

In the matter of the applications for identification as  
Mississippi Choctaws of

Julia T. Moore, et al.,  
Benjamin S. Moore,  
Via Tolson,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on November 27, 1900, you appeared before this Commission at Muskogee, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901,



W.F.D.R. 48

at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

W.C. 1091.

COPY.

Muskogee, Indian Territory, February 4, 1908.

Walter J. B. Richards,

San Antonio, Texas.

Dear Sir:

You are hereby advised that on the 29th day of January 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R.	310
Victoria Moore, et al.,	M.C.R.	320
Benjamin Shannon Moore,	M.C.R.	311
Eckha M. Murphy, et al.,	M.C.R.	312
Vid Tolsen,	M.C.R.	313
Inez Tolsen,	M.C.R.	314
Julia Tolsen Moore, et al.,	M.C.R.	315
Margaret Tolsen, et al.,	M.C.R.	316
Stella M. Bruce, et al.,	M.C.R.	369
Olyde Shannon,	M.C.R.	437
Claude Shannon Pugh, et al.,	M.C.R.	489
Dugan Shannon, et al.,	M.C.R.	439
William Tolsen,	M.C.R.	443
William M. Shannon,	M.C.R.	469
Walter Neelt Shannon, et al.,	M.C.R.	472
Robert Weston Shannon, et al.,	M.C.R.	483
Elaine Lee, et al.,	M.C.R.	489
Pearl King,	M.C.R.	501
Inez Shannon Shivers, et al.,	M.C.R.	508
Robert Almer King, et al.,	M.C.R.	520
Kylla M. Moore Gardin,	M.C.R.	1064
Walter J. B. Richards, et al.,	M.C.R.	1091
Haud L. DuPuy, et al.,	M.C.R.	1093
Frank McDonald Richards,	M.C.R.	1094

Said decision, after a review of the evidence submitted, concludes as follows:

'The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Visteria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy Thomas J. Murphy, John Grant Murphy, ~~Wm~~ Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, ~~Clarence~~ Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maude Elizabeth Shannon, Roy E. Shannen, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Gellieon Shivers, Pat Shivers, Robert Alner King, Robert Alner King Jr., Vera King, John Irving King, Zylla H. Moore Gardin, Walter J. B. Richards, Claude Henry Richards, Murrell Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

W J R R 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED

*Tam S. Dixby*

Acting Chairman.

M.C.R. 1091  
Registered.

*Chocoma*  
*MCR #1091*



Department of the Interior.

Commission to the Five Civilised Tribes.

MUSKOGEE, IND. TER.

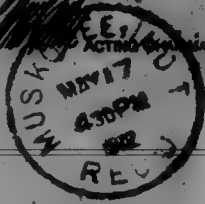
OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Walter J. B. Richards*  
*San Antonio*  
MAY 1901  
*1901*

1091

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE UNDEVELOPED TRIBES  
MAY 19 1902



*Enclosure remailed May 19, 1902.*

*to First National Bank  
San Antonio  
Texas*



M.C.R. 1091

Muskogee, Indian Territory, April 9, 1902

Walter J. B. Richards,

San Antonio, Texas.

Dear Sir:

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge



M. C. R 1091 Walter J. R.  
Richards et al.

Walter J. R. Richards, 36 years  
old, of San Antonio, Texas,  
appeared on November 27, 1900,  
before the Commission at Muskogee,  
and applied for identification  
of himself and two  
children. Testimony shows  
that his wife's name is Inogene.  
No judgment has been rendered  
in this case.

Atoka, January 4, 1901.

AB

claw.

Date NOV 27 1900

Name *Walter J. B. Richards.*

Age *46.* Blood *1/16.*

Post Office *San Antonio, Texas.*

Father: *Frank Richards - dead.*

Mother: *Julia C. Richards - ✓*

Claims through *mother.*

WIFE:

*Inogene Richards.*  
*(No claim for wife)*

Children:

*Claude H. Richards 10.*

*Murrell " " 7.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900

ACTING CHAIRMAN.

*Go to Nat. Bank*

*San Antonio, Texas.*

Stenographer:

*Anna Bell.*

Choc mcr 1092 John L. Kernell

mcr 1092

*John L. Kennell*  
**REFUSED**

**DECISION RENDERED.**

**JUL 28 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 28 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 28 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 28 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**AUG 28 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP - 5 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**SEP - 5 1902**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of John L. Kernell, et al,  
for identification as Mississippi Choctaws, M.C.R.1092.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
John L. Kernell, et al.

	(Page)
Original application of John L. Kernell, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Decision of the Commission denying the application of John L. Kernell, et al., for identification as Mississippi Choctaws .....	4

-----0-----

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, NOVEMBER 27, 1900.

In the matter of the application of J. L. Kernell for the identification of himself and his five minor children as Mississippi Choctaws. J/ L. Kernell, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A John L. Kernell.  
Q What is your age? A I am forty.  
Q What is your post office address? A Whitewright, Texas.  
Q Are you a resident of the state of Texas? A No sir. Well, I live in Texas now.  
Q You are a resident of Texas are you? A Yes sir.  
Q How long have you resided there? A I come there the last of March.  
Q This present year? A Yes sir.  
Q You have been a resident of the state of Texas about eight or nine months? A Yes sir.  
Q Where did you live prior to that time? A Tennessee.  
Q How long did you live in Tennessee? A I lived there all my life. B Born there and --  
Q Never maintained a residence in Indian Territory? A No sir.  
Q Ever lived in Mississippi? A No sir.  
Q How much Choctaw blood do you claim? A A quarter.  
Q What is your father's name? A William Kernell.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Melinda Kernell.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How long has your father been dead? A He has been dead about sixteen years.  
Q About sixteen years? A Yes.  
Q Was he ever a resident of the Choctaw Nation in Indian Territory? A No sir.  
Q Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Was his name ever on any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Is your name on any of the Choctaw tribal rolls? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities in Indian Territory as a citizen of that Nation? A No sir.  
Q Did you or did any one ~~for~~ in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.  
Q This is your first application of any description? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830? A Well, my father he was a Choctaw.  
Q Ever recognized as such by the Choctaw tribal authorities? A No sir, if he was I didn't know it.



J. L. Kernell-2

- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No sir.
- Q You know what the provisions of the fourteenth article are? A I don't know that I do.
- Q You heard them read just now didn't you? A Yes sir, I heard them read but I didn't notice.
- Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A What was the name of the--?
- Q Yes sir. A I don't know that there was any recognized there on that date.
- Q What is the basis of your claim then? A Well, my father he claimed to be a Choctaw Indian.
- Q Was he ever recognized as such? A No sir.
- Q Never enrolled as such? A No sir.
- Q Was any of your ancestors ever recognized as such? A No sir.
- Q What is your claim? A I claim it because he was an Indian.
- Q Is that the only thing? A Yes sir.
- Q Did any of your ancestors ever signify to the Choctaw Indian Agent within six months after the ratification of the treaty of 1830 their intention to remain and become citizens of the state of Mississippi? A Not that I know of they didn't.
- Q Did any of your ancestors ever receive or claim any land as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Do you make any claim under any other treaty stipulations between the United States and the Choctaw Indians? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Laura Kernell.
- Q Making any claim for her? A No sir.
- Q She is a white woman? A She is part Indian.
- Q She is part Indian? A Yes sir.
- Q What kind of an Indian? A Cherokee.
- Q Did she ever have her rights as a Cherokee established? A No sir.
- Q How do you know she is a Cherokee? A Well her father told her she was, claimed she was on that side. She was a Munsey of the Munsey tribe.
- Q Where did you marry her? A In Tennessee.
- Q When? A In '78.
- Q Have you got a marriage license and certificate? A No sir.
- Commission: It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of the application you are making for your children.
- The Commission will hear the application that you are making for your children as Mississippi Choctaws, but from your testimony you claim that your wife has Cherokee blood and is a Cherokee Indian and if her rights as a Cherokee are ever established it will be necessary for the children to follow the blood of the mother and be enrolled in the Cherokee nation and take no rights as citizens of the Choctaw Nation.
- Q What are the names and ages of your children? A Well, Porter, he is twenty.
- Q Is he married? A No sir.
- Q Twenty? A Yes sir.
- Q What is the name of the next one? A Lolia.
- Q How do you spell it? A L-o-l-i-a.
- Q How old is Lolia? A Seventeen.
- Q What is the next one? A Frank, sixteen.
- Q Next. A George is thirteen and Dollie is nine.

J. L. Kernell-3

- Q Is that all? A Yes sir.  
Q You are the father of these five children? A Yes sir.  
Q Laura Richards is the mother? A Yes sir.  
Q These children live with you at your home? A Yes sir.  
Q You and your wife live together? A Yes sir.  
Q You stated that you were born in Tennessee and lived there up to the time you removed to Texas? A Yes sir.  
Q How long had your father been a resident of the state of Tennessee? A He was born in Tennessee.  
Q How old was he when you were born? A Well, I don't know that I can tell you how old he was when I was born.  
Q When was he born in Tennessee? A He was born in Tennessee in about '32 I think.  
Q Were his parents residents of the state of Tennessee at that time? A I never did hear him say whether they were or not.  
Q He lived there from the time he was born up till his death? He never had a residence any where else except in Tennessee? A No sir.  
Q Is there any additional statement you desire to make? A No sir.  
Q Any written evidence you desire to submit to the Commission for consideration in support of your application? A No sir.

By the Commission:

The decision of the Commission as to your application and the application you make on behalf of your five minor children for identification as Mississippi Choctaws will be mailed to you in writing at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five civilized tribes she reported in full all proceedings had in the above entitled cause on the 27th day of November, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 26th day of November, 1900.

*Guy L. Emerson*  
Notary Public.



J. F. M.  
C. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of John L. Kernell, et al.,  
for identification as Mississippi Choctaws, M.C.H. 1692.

--1 D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John L. Kernell for himself and his five minor children, Porter, Lelia, Frank, George and Bellie Kernell, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 455):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Kernell, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support

(2)

of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 521).

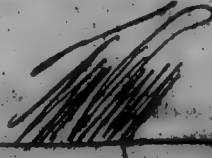
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Kernell signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 813).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Kernell, Porter Kernell, Lelia Kernell, Frank Kernell, George Kernell and Dollie Kernell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identifi-

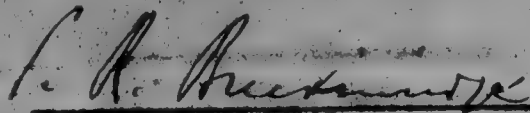
(3)

ation as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.



Commissioners.

Muskogee, Indian Territory,

JUL 28 1902

M.C.R. 1092.

COPY.

Muskogee, Indian Territory, July 28, 1902.

John L. Kernell,  
Whitewright, Texas.

Dear Sir:

You are hereby advised that on the 28th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John L. Kernell, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1900. (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Kernell, Porter Kernell, Nellie Kernell, Frank Kernell, George Kernell, and Dollie Kernell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

J.L.K. #3.

You are further advised that the Commission has on this day forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge

K.C.R. 1092.

COPY.

Muskogee, Indian Territory, July 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John L. Kernell, et al., applicants for identification as Mississippi Choctaws:

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Kernell, Porter Kernell, Lelia Kernell, Frank Kernell, George

#2.

Kernell, and Dollie Kernell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SENEL

*T. B. Needles*

Commissioner in Charge



M.C.R. 1092.

COPY.

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John L. Kernell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 28, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

*I. B. Needles.*

Commissioner in Charge

Through the

Commissioner of Indian Affairs.

1 inclosure.

D. C. 14081-1902.

51476

EAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4934-1902.

August 28, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 28, 1902, you transmitted the record and your decision of that date, in the matter of the application for identification of John L. Kernell and his minor children, Porter, Lolia, Frank, George and Dollie Kernell, as Mississippi Choctaws.

Applicants endeavor to trace their descent from one William Kernell, alleged to have been a half blood Choctaw Indian.

The record fails to show that any one of the applicants has ever been admitted or enrolled as a Choctaw citizen or that William Kernell ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 ( 5 Stat., 180 ), and August 23, 1842 ( 5 Stat., 513 ). You refused the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 12, 1902, and recommended that your decision be ap-

-2-

proved. A copy of his letter is inclosed.

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

E.M.D.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land. 45, 510-1902.

Washington, August 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from Thomas B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated July 28, 1902, forwarding for the Department's consideration the record relative to the application of John L. Kernell, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of 1830.

The applicant applies for the identification of himself and his five minor children, Porter, Lelia, Frank, George and Dollie Kernell.

July 28, 1902, the commission found that the applicants were not entitled to identification as Mississippi Choctaws.

The principal applicant attempts to trace descent from his father, William Kernell.

The records of the office do not show that the alleged an-

center of the principal applicant complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 or that he applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights.

The decision of the commission rejecting the applicants is therefore approved.

Very respectfully,

Your obedient servant,

(C.A.W.)

A. G. Tenner.

P.

Acting Commissioner.

M.C.R. 1092.

COPY.

Muskogee, Indian Territory, September 5, 1902.

John L. Kernell,  
Whitewright, Texas.

Dear Sir:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of John L. Kernell, et al., of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

*Tamc Dixby.*  
Acting Chairman.

M.C.R. 1092.

COPY

Muskogee, Indian Territory, September 3, 1902.

Munsfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of John L. Kernell, et al., of which decision you were duly advised by mail on the 28th day of July, 1902. Y

Yours truly,

*Tame Dixey*

Acting Chairman.



1092  
FOR IDENTIFICATION AS  
A MISSISSIPPI ECCTAW

John L. Kennell, et al  
M. C. R. 1092

COMMISSIONERS:

HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1092.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 28, 1902.

John L. Kernell,  
Whitewright, Texas.

Dear Sir:

You are hereby advised that on the 28th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of John L. Kernell, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898. (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

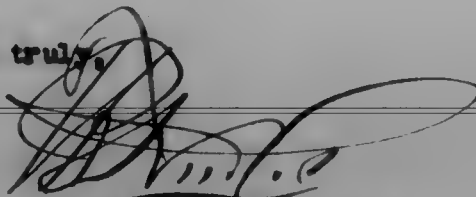
Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Kernell, Porter Kernell, Lelia Kernell, Frank Kernell, George Kernell, and Dellie Kernell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

J.L.K. #2.

You are further advised that the Commission has on this day forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over a horizontal line.

Commissioner in Charge.

Registered.

M C R 1000.

Muskogee, Indian Territory, August 13, 1908.

W.M. King,

Postmaster,

Whitewright, Texas.

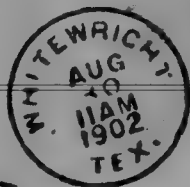
Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th inst., advising that you have registered letter addressed to John L. Karnell which you cannot deliver.

You are advised that if after diligent effort you cannot make delivery of the letter, you may return same to this office.

Yours truly,

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

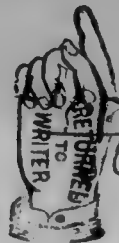
*Reg. 43*



~~John D. Kernell,~~

~~Whitewright,~~

~~Texas~~



*Not found*

SEP 7 1907



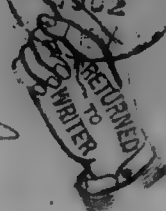
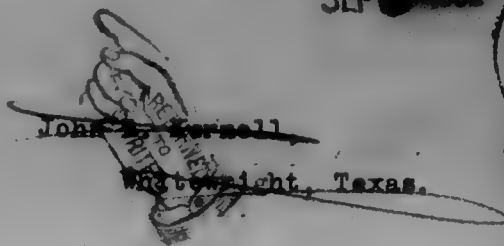
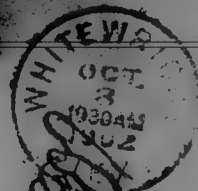
Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

SEP



*McTearlight*

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1092.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 5, 1902.

John L. Kernell,  
Whitewright, Texas.

Dear Sir:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of John L. Kernell, et al., of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

*Tamm Bixby*  
Acting Chairman.



No. 1092

For Identification as a Mississippi Choctaw.

Date NOV 27 1900

Name John L. Kernell.

Age 40. Blood  $\frac{1}{4}$

Post Office, Whitewright, Texas.

Father: William Kernell - dead,

Mother: Malinda Kernell - dead.

Claims through father.

WIFE:

Laura Kernell.  
(No claims for wife).

Children:

Porter Kernell	20.
Lolia       "       "	18.
Frank       "       "	16.
George       "       "	13.
Nollie       "       "	9.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900

 ACTING CHAIRMAN.

choc mcr 1093 maud L. Du Puy

see mcr 219

mcr 1093

A MISSISSIPPI CHOCTAW.

*Hand. L. Du Puy et al*  
**REFUSED.**

DECISION RENDERED

JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 4 1902

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 9 1902

REFER TO M. C. R.

*219*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. November 28, 1900.

In the matter of the application of Maud L. DuPuy for the identification of herself and one minor child as Mississippi Choctaws.

The said Maud L. DuPuy, being duly sworn, was examined by the Commission and testified as follows:

Q What is your name? A Maud L. DuPuy.  
Q What is your age? A Twenty-eight.  
Q What is your post office address? A Quanah, Texas.  
Q Are you a resident of the State of Texas? A Yes, sir.  
Q How long have you resided there? A I was born in Texas.  
Q You have lived there all your life? A Yes, sir.  
Q You never maintained a residence in the Indian Territory? A No, sir.  
Q Did you ever live in the State of Mississippi? A No, sir.  
Q You are making application as a Mississippi Choctaw, are you? A Yes, sir.  
Q How much Choctaw blood do you claim? A Why, I don't know. I claim that my great grandmother was half Choctaw.  
Q Then how much do you claim? A Why I don't know how much. I suppose about one-sixteenth.  
Q What was your father's name? A Calvin C. Tolson.  
Q Is your father living? A No, sir.  
Q What is your mother's name? A Margaret Tolson.  
Q Is your mother living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q Has your mother ever been a resident of the Indian Territory? A No, sir.  
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A I don't know whether it is or not.  
Q You have never been a resident of the Indian Territory? A No, sir.  
Q Has your mother ever been recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities? A I don't know whether she has or not.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A I don't know. I don't suppose it is.  
Q You have no reason to believe it is, have you? A No, I have not.  
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir; I have not.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of that Nation? A Not that I know of.  
Q You would know, wouldn't you? A No, sir; I have not.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A I suppose not. I don't know anything about that.  
Q Well, you would know if you had ever been admitted by the Court? A No, I haven't.  
Q You never brought suit against the Choctaw Nation for citizenship, did you? A No, sir.  
Q You never were a party to any suit of that kind? A No, sir.

Q This is the first application you have ever made of any description to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A Yes, sir; this is the first application I ever made.

Q You are now making application for identification as a Mississippi Choctaw? A Yes, sir.

Q Why do you believe you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830? A Why, I don't know anything about the treaty and articles of 1830.

Q The only authority vested in this Commission to hear and determine the rights of applicants for identification as Mississippi Choctaws is contained in the 21st section of the Act of Congress of June 28th, 1898, which provides that such Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty between the United States and the Choctaw Indians concluded September 27th, 1830. The treaty of 1830 was entered into between the United States government and the Choctaw Indians, who were then residents of the State of Mississippi, providing for the removal of the Choctaw Indians from that State to the country west of the Mississippi, and which is now the present Choctaw and Chickasaw nations. The 14th article of the treaty of 1830 gave to these Choctaw Indians in Mississippi who did not desire to remove with their brethren to the western country, a right to remain there and become citizens of the United States, but it was required that they should, within six months after the ratification of the treaty of 1830, signify to the United States Indian agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of that State. After they had done so, the United States government set aside to heads of families and to children, a certain tract of land, with the provision that after having lived upon said land for five years they should be granted the fee simple title to the same. Now, are you making your claim as a beneficiary under the 14th article of the treaty of 1830? A I don't know whether that would apply to my case or not.

Q Well, the only authority vested in this Commission to hear or determine the rights of applicants for identification as Mississippi Choctaws are those who claim this right under the 14th article of the treaty of 1830. There is no authority of law to hear or consider any other application made under any other article or treaty. A Well, I suppose this is the article or treaty I claim to be under then.

Q Did any of your ancestors ever comply with the 14th article of the treaty of 1830? A I don't know whether they did or not.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A I don't know.

Q You don't know. Through whom do you claim this right to identification? A Through my great grandmother. Through my mother's father's mother.

Q Who is she? A Elizabeth Barnett.

Q Is she a Choctaw Indian? A I think so.

Q Have you any evidence of that fact? A I have papers here that she was a half Choctaw.

Q Was Elizabeth Barnett a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know whether she was or not.

Q If she was a recognized member of the Choctaw tribe of Indians, do you know whether she ever signified to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States within six

Maud L. DuPuy et al---3.

months after the ratification of this treaty of 1830? A No, I don't know.

Q What do you know about her residence in the State of Mississippi? A I don't know anything.

Q Do you know where she died? A No.

Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know whether they did or not.

Q Are you making any claim by reason of any other stipulations entered into between the United States and the Choctaw tribe of Indians? A Why, I don't know--just any of the treaties my case would come under, just which ever one it comes under.

Q You are making application for identification as a Mississippi Choctaw are you? A Yes, sir.

Q I told you before the only authority vested in the commission was to hear applicants who claim under the 14th article of the treaty of 1830. Now do you claim under any other article or any other treaty? A Well, I suppose not. That is the only article.

Q You are making your claim solely under the provisions of the 14th article of the treaty of 1830, are you? A Well, I don't know anything about it.

Q If you do claim under any other articles or any other treaties what are they? A Well, I don't know anything about that. That is all I know about it.

Q Are you married? A Yes, sir.

Q Are you making any claim for your husband? A No.

Q What is his name? A His name is William R. DuPuy.

Q Is he a white man? A Yes, sir.

Q Has he ever made any claim to Indian citizenship by blood?

A No, I suppose not. I know he hasn't.

Q He hasn't any Indian blood at all has he? A No, sir.

Q Where did you marry him? A At Sherman, Texas.

Q When? A About two years ago last August.

Q You married him in accordance with the laws of Grayson County, Texas, did you? A Yes, sir.

Q Have you any children? A I just have this one.

Q What is the name and age of your child? A Margaret. She is eighteen years old.

Q You are the mother of his child? ~~Good~~ A Yes, sir.

Q William DuPuy is the father? A Yes, sir.

Q Are you and your husband living together? A Yes, sir.

Q Is there any additional statement you desire to make in support of your application? A No, sir.

Q Is there any written evidence you desire to submit to the Commission for consideration in support of this application? A Nothing more than these papers. (handing papers to Commission)

BY THE COMMISSION: There is offered in evidence the original application and petition of Maud L. DuPuy and the affidavits attached thereto of Shadrach Potts, J. S. Martin, Chas. Smith, William S. Thurman, J. P. Hopson, Jonas Frazier and John Lewis, which are marked exhibit A, filed and made a part of the record in this case.

BY THE COMMISSION: The decision of the Commission as to your application and the application you make on behalf of your minor child for identification as Mississippi Choctaws will be mailed to your in writing in the near future at your present post office address.

-----  
Wm. S. Wellshear, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly



Maud L. DuPuy et al---4.

reported in full all proceedings in this application for identification, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of December, 1900.

  
Acting Chairman.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maud L. DuPuy for the identification of herself and her minor child, Margaret DuPuy, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Maud L. DuPuy appeared before the Commission at Muskogee, Indian Territory, November 28, 1900, and there made application for the identification of herself and her minor child, Margaret DuPuy, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (Public No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Maud L. DuPuy and her minor child, Margaret DuPuy, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

ACTING CHAIRMAN.

Muskogee, Indian Territory, February 12, 1901.

William Tolson,

Sherman, Texas.

Dear Sir:

There is enclosed for you with a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

Encl. 1-46

Reg.M.

M.C.R. 141

Muskegee, Indian Territory, September 9, 1901.

Maud L. DuPuy,  
Quanah, Texas.

Dear Madam:

In the matter of the applications for identification as  
Mississippi Choctaws of

Julia T. Moore, et al.,  
Benjamin S. Moore,  
Via Tolson,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on November 26, 1900, you appeared before this Commission at Muskegee, Indian Territory, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901,

L.D.#2

at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 1093

COPY.

Muskogee, Indian Territory, February 4, 1902.

Maud L. DuPuy,

Quanah, Texas,

Dear Madam:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R.	219
Victoria Moore, et al.,	M.C.R.	220
Benjamin Shannon Moore,	M.C.R.	311
Zelma M. Murphy, et al.,	M.C.R.	312
Vio Tolson,	M.C.R.	313
Inez Tolson,	M.C.R.	314
Julia Tolson Moore, et al.,	M.C.R.	315
Margaret Tolson, et al.,	M.C.R.	316
Stella E. Bruce, et al.,	M.C.R.	369
Clyde Shannon,	M.C.R.	437
Claude Shannon Pugh, et al.,	M.C.R.	438
Dugan Shannon, et al.,	M.C.R.	439
William Tolson,	M.C.R.	441
William M. Shannon,	M.C.R.	466
Walter Scott Shannon, et al.,	M.C.R.	472
Robert Easton Shannon, et al.,	M.C.R.	488
Lizzie Ray, et al.,	M.C.R.	489
Pearl King,	M.C.R.	501
Inez Shannon Shivers, et al.,	M.C.R.	502
Robert Alner King, et al.,	M.C.R.	568
Zylla H. Moore Gardin,	M.C.R.	1064
Walter J. E. Richards, et al.,	M.C.R.	1091
Maud L. DuPuy, et al.,	M.C.R.	1093
Frank McDonald Richards,	M.C.R.	1094

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella E. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maude Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King Jr., Vera King, John Irving King, Zylla H. Moore Gardin, Walter J. B. Richards, Claud Henry Richards, Murrell Richards, Maud L. DuPuy, Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

You are further advised that the Commission has on this date forwarded the record in this case to the secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James Dixby.*

Acting Chairman.

M.C.R. 1095

Muskogee, Indian Territory, April 9, 1902

Wm. L. By Way,

Galveston, Texas.

Dear Madam:

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missionsippi Choctaws of the several persons included in the consolidated case of Willie Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge



No. 1093

For Identification as a Mississippi Choctaw.

Date NOV 28 1900

Name Maud L. Ou Ray.

Age 28 Blood 1/16

Post Office, Quannah, Texas.

Father: Calvin C. Tolson - dead.

Mother: Margaret Tolson - ✓

Claims through mother.

HUSBAND:

William R. Ou Ray.  
(No claim for husband).

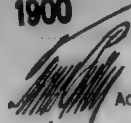
Children:

Margaret Ou Ray 1/2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 28 1900



ACTING CHAIRMAN.

Choc MCR 1094 Frank M. Richards

see MCR 219

MCR 1094

APPLICATION AS  
A MISSISSIPPI CHOCTAW.

*Frank M. Richards*

**REFUSED.**

DECISION RENDERED.

JAN 29 1902

RECORD FORWARDED DEPARTMENT,

FEB 4 1902

NOTICE OF DECISION MAILED APPLICANT,

FEB 4 1902

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

FEB 4 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR,

MAR 31 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 9 1902

APR 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 9 1902

APR 9 1902

REFER TO M. C. R. *219*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I.T. Nov. 30, 1900.

In the matter of the application of Frank McDonald Richards for identification as a Mississippi Choctaw. Frank McDonald Richards being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Frank McDonald Richards.  
Q What is your age? A 40 mynlast birthday.  
Q What is your post-office address? A Brady, Texas.  
Q How long have you resided in the state of Texas all my life.  
Q Born there? A Yes sir.  
Q Never have maintained a residence elsewhere? A No sir.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A Frank Richards.  
Q Is your father living? A No sir, my father's dead.  
Q What is your mother's name? A Julia A. King.  
Q Is that her maiden name? A No sir, her name was Shannon.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother's.  
Q Your mother a resident of the state of Texas? A Yes sir.  
Q Always resided in Texas has she? A Ever since I can recollect she has. She has been there ever since she was a little girl.  
Q Is your mother's name on any of the tribal rolls of the Choctaw Nation? A I don't think that they are. I don't know.  
Q Has she ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw Nation? A Not that I know of.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the Possession of the Commission examined and the name of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their National Council as a citizen of the Choctaw nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896, examined and the name of the applicant does not appear thereon.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of United States Court,

examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No, sir.

Q This is your first application of any description? A Yes sir.

Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I have been told by my mother that this relationship existed is all I know about it.

Q What do you mean by relationship that exists? A The way I understand it is that my great grand mother was half Choctaw.

Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A The way I understand it - they tell me any treaty in which the Choctaws are interested.

Q Your application is for identification as a Mississippi Choctaw? A Yes sir.

Q The only authority vested in this Commission to hear and determine the rights of applicants for identification as Mississippi Choctaws is contained in the 21st section of the act of Congress of June 28, 1898, which provides: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830" Do you make your claim as a beneficiary under that article of that treaty? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A Elizabeth Barnett.

Q What relation was Elizabeth Barnett to you? A My great grand mother.

Q You are a direct lineal descendant of hers? A Yes sir.

Q Have you any evidence of that fact? A Yes sir.

Q What does it consist of? What evidence have you that Elizabeth Barnett was your great grand mother? A Well, nothing more than what I have heard the kin folks say, so. Well I have got some affidavits here too to that effect but then so far as I know it is just from what I have been told by my kin folks. My mother more than any one else.

Q Have you any evidence showing that Elizabeth Barnett was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Well, I have some affidavits here from parties that claimed to know her back in Mississippi and knew her as a Choctaw Indian.

Q Was she recognized as such by the Choctaw authorities and the United States government? A I don't know as she was recognized by the Choctaw authorities. They say in these affidavits she was recognized as a Choctaw. I believe there are two of them say she was a Choctaw.

Q Was she a resident of the state of Mississippi in 1830?

A I don't know.

Q Do you know when she left Mississippi? A No sir, I don't.

Q Did she ever leave Mississippi? A Yes sir.

Q Where did she come to from Mississippi? A Texas.

Q Do you know when she came to Texas? A No sir.

Q Have you any idea about the time? A Well it would be a guess. Probably some time in fifties but I am not sure about that. That would be a guess.

Q Did she ever signify to the United States Indian Agent of the

Frank McDonald Richards 3

Q Did she ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States within six months after the ratification of the treaty? A I don't know a thing about that.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.

Q Do you make any claim by reason of any other treaty stipulation between the United States and the Choctaw Nation? A No sir.

Q You are basing your claim solely on the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q Are you making any claim for your wife? A No sir.

Q Is she a white woman? A Yes sir.

Q Never made any claim to Indian citizenship in any manner?

A None whatever.

Q Have you any children? A No sir.

Q Making this application solely on your own behalf are you?

A Yes sir.

Q You stated that you had been a resident of the state of Texas for the past forty years? A Yes sir.

Q Do you know how long your mother had been a resident of the state of Texas before you were born? A It is my understanding in the county where I was born since she was about ten years old, is my understanding.

Q How old was she when you were born? A I think she was between eighteen and twenty.

Q She came from Mississippi to Texas in about 1850? A I don't know that she came from Mississippi.

Q She first came to Texas in 1850? A I think so.

Q Do you know where she came from to Texas? A I don't know. She might possibly have been born in some other part of Texas but I think she came to Grayson County where I was born when she was a small girl.

Q Is there any additional statement you desire to make in support of this application? A Nothing that I know of.

Q Any written evidence that you desire to submit for the consideration of the Commission in support of your application?

A Yes sir.

There is offered in evidence filed and made a part of the record in this case, the original application and petition of F. M. Richards, Jonas Frazier, Shadrach Potts, Charles Smith, William S. Thurman, J. S. Martin, John Lewis and J. P. Hopson.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing in the near future to your present post-office address.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 3rd day of December, 1900.

*[Signature]*  
Acting Chairman.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank McDonald Richards for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Frank McDonald Richards appeared before the Commission at Muskogee, Indian Territory, November 30, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (Public No. 162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Frank McDonald Richards as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory  
this \_\_\_\_ day of \_\_\_\_\_, 1901.

ACTING CHAIRMAN.



Muskogee, Indian Territory, September 9, 1901.

Mr. Frank M. Richards,

Brady, Texas.

Dear Sir:

In the matter of the applications for identification as  
Mississippi Choctaws of

Julia T. Moore, et al.,  
Benjamin S. Moore,  
Via Tolson,

you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that on November 30, 1900, you appeared before this Commission at Muskogee, Indian Territory, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Thursday, November 7th, 1901,

P.M.R. #8

at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 1094.

COPY.

Muskogee, Indian Territory, February 4, 1902.

Frank McDonald Richards,

Brady, Texas,

Dear Sir:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Julia Ann King, et al., embracing the following applications for identification as Mississippi Choctaws:

Julia Ann King,	M.C.R. 219
Victoria Moore, et al.,	M.C.R. 220
Benjamin Shannon Moore,	M.C.R. 311
Zelma M. Murphy, et al.,	M.C.R. 312
Vic Tolsen,	M.C.R. 313
Inez Tolsen,	M.C.R. 314
Julia Tolsen Moore, et al.,	M.C.R. 315
Margaret Tolsen, et al.,	M.C.R. 316
Stella R. Bruce, et al.,	M.C.R. 369
Clyde Shannon,	M.C.R. 437
Claude Shannon Pugh, et al.,	M.C.R. 438
Dugan Shannon, et al.,	M.C.R. 439
William Tolsen,	M.C.R. 441
William M. Shannon,	M.C.R. 466
Walter Scott Shannon, et al.,	M.C.R. 472
Robert Maston Shannon, et al.,	M.C.R. 488
Lizzie Ray, et al.,	M.C.R. 489
Pearl King,	M.C.R. 501
Inez Shannon Shivers, et al.,	M.C.R. 502
Robert Almer King, et al.,	M.C.R. 566
Lylla M. Moore Cardin,	M.C.R. 1064
Walter J. B. Richards, et al.,	M.C.R. 1091
Maud L. DuPuy, et al.,	M.C.R. 1093
Frank McDonald Richards,	M.C.R. 1094

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Julia Ann King, Victoria Moore, Clarence Moore, Edwin Victor Moore, Benjamin Shannon Moore, Zelma M. Murphy, Thomas J. Murphy, John Grant Murphy, Vic Tolson, Inez Tolson, Julia Tolson Moore, J. Ollie Moore, C. Curtis Moore, Gladys Moore, Margaret Tolson, Myrtle A. Tolson, Stella R. Bruce, Roy Bruce, Clyde Shannon, Claude Shannon Pugh, Nina Clyde Pugh, Dugan Shannon, Henry Shannon, Lucile Shannon, William Tolson, William M. Shannon, W. Scott Shannon, Maude Elizabeth Shannon, Roy E. Shannon, Julia Ruth Shannon, Caulie Lee Shannon, Robert Easton Shannon, Robert Sevier Shannon, Anna Bell Shannon, Addie Lee Shannon, Lizzie Ray, Gladys Ray, Jimmie Dennis Ray, Pearl King, Inez Shannon Shivers, Frances Jane Shivers, Zylla Colleen Shivers, Pat Shivers, Robert Alner King, Robert Alner King, Jr., Vera King, John Irving King, Zylla M. Moore Cardin, Walter J. B. Richards, Claud Henry Richards, Murrell Richards, Maud L. DuPuy and Margaret DuPuy and Frank McDonald Richards as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by W. Scott Shannon for the identification of his wife, Addie Shannon, as an intermarried Mississippi Choctaw, no further consideration of her case is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *James D. Kirby*

Acting Chairman.

M.C.N. 1094

Muskogee, Indian Territory, April 9, 1902

Frank McDonald Richards,

Brady, Texas.

Dear Sir:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Julia Ann King, et al., of which decision you were duly advised by registered mail on February 4, 1902.

Yours truly,

Commissioner in Charge

No. 1094

For Identification as a Mississippi Choctaw.

Date NOV 30 1900

Name Frank M. Richards.

Age 40 Blood 1/16

Post Office, Brady, Texas.

Father: Frank Richards - dead.

Mother: Julia A. King - ✓

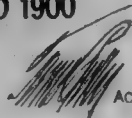
Claims through mother.

WIFE;

Children:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
NOV 30 1900



ACTING CHAIRMAN.

Stenographer.  
Myra Young.



choc mcr 1095 William H. FULTZ

see mcr 1056

mcr 1095



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. MT. Nov. 30, 1900.

In the matter of the application of William H. Fultz for the identification of himself, his wife and four minor children as Mississippi Choctaws. William H. Fultz being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A William H. Fultz.
- Q What is your age? A Thirty seven.
- Q What is your post-office address? A My present post-office address is South Canadian.
- Q Are you a resident of the Indian Territory? A Well, not at the present time.
- Q What do you mean then by giving your post-office address as South Canadian? A That is where my post-office originally is. I am in Kansas at the present time.
- Q What are you doing in Kansas? A I am there temporarily.
- Q Well, where is your residence? A I am living in Kansas at the present time.
- Q How long have you lived in Kansas? A About nine months.
- Q What do you mean then by saying your post-office address is South Canadian. Have you a residence in the state of Kansas? A I am not necessarily a resident of the state.
- Q Where do you get your mail. A Some of it at South Canadian and some of it in Kansas. But I suppose the ---
- Q WHAT is your post-office address? A Marion, Kansas.
- Q You are a resident of the state of Kansas? A I am there temporarily.
- Q You are a resident of the state of Kansas aren't you? Have you a home there? A I have some there.
- Q Have you any possessions in the Indian Territory? A No I have no possessions there.
- Q No personal belongings of any description? A No sir.
- Q All in the state of Kansas? A Yes sir.
- Q Have you ever been a resident of the Indian Territory?
- A Yes sir.
- Q Moved from the Indian Territory to Kansas? A Yes sir.
- Q How long prior to your removal to Kansas had you been a resident of the Indian Territory? A About a year?
- Q Where did you live? ~~XXXXXXXXXX~~ A Shawnee.
- Q That is not in the Indian Territory? A Well, That is where I lived.
- Q What do you mean by saying that your post-office address is Canadian in the Indian Territory, when you have testified that you have lived the last nine months in Kansas and a year prior to that you lived at Shawnee which is in Oklahoma Territory? A Well that is where my folks get their mail.
- Q I am talking about you. We want to know about you. ~~Well~~ Well, that is all I knew about it. That was the instructions I had from them.
- Q Canadian is not your personal post-office at the present time? A No.
- Q Your post-office address is Marion, Kansas is it not? A Yes sir.
- Q Where did you live prior to your residence in Shawnee? A I lived in Kansas.
- Q How long did you live in Kansas? A I was born in Kansas.
- Q Lived there all your life until you moved to Shawnee in the

Oklahoma Territory, lived there one year and then removed to the state of Kansas? A Yes sir.

Q Have you ever made a residence in the Indian Territory? A I have.

Q Where? A Shawnee.

Q That is not in the Indian Territory? A Well, in Oklahoma.

Q Have you ever made a residence in the Indian Territory? A No.

Q You understand that you are under oath do you? A Yes sir

Q What do you mean by making a statement that your post-office address is in the Indian Territory when you have never resided there or made a residence there. A Well my folks said for me to have my mail sent there and they would forward it to me.

Q How much Choctaw blood do you claim? A One sixteenth.

Q What is your father's name? A My father's name was David Fultz.

Q Is he living? A No sir.

Q What is your mother's name? A Her name was Elizabeth Patton.

Q Her maiden name? A Yes sir.

Q Her married name was Elizabeth Fultz? A Yes sir, she married Fultz.

Q Is your mother living? A No sir.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q How long has your mother been dead? A She's been dead about thirty years I guess.

Q Her name ever on any of the tribal rolls of the Choctaw Nation? A No sir.

Q Was she ever recognized during her life time as a citizen of the Choctaw Nation? A No sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their national Council as a citizen of that Nation? A No sir.

Q Did you or did any one in your behalf in 1896 make application ~~for citizenship~~ to this Commission for enrollment as a citizen of the Choctaw nation under the act of Congress of June 10th, 1895?

A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896 examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts for the Indian Territory? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is your first application of any description? A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A For the transfer of lands there for lands here. in Mississippi.

Q How are you entitled to any rights? A Under the act of 1830, the fourteenth article.

Q You are making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A I don't know.

Q What was the name of your ancestor who was a resident of the state of Mississippi and who was a recognized member of the Choctaw tribe of Indians in Mississippi? A Patton.

Q The full given name? A What the name, the given name was I don't know. My mother never told me. Jacob patton I think.

Q What relation was Jacob Patton to you? A He's my ~~great~~ grand father. Great grand father if I have it right.

Q Have you any evidence showing that he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830?

A I haven't any with me.

Q How do you know that he was ever a member of the Choctaw tribe of Indians? A I will furnish evidence at the proper time.

Q The proper time is now. A You give a man time don't you to get this evidence?

Q Evidence as to what? A Whether he was a member or not.

Q Don't you know? A Well I have been told so and of course that is all I knew. I was not old enough to know anything about it at that time only what I have been told by relatives and others.

Q The Commission is here for the purpose of hearing your application for identification as a Mississippi Choctaw and will hear any testimony you may offer in support of that application.

A I haven't got any with me.

Q You do not know that your great grand father Jacob Patton was ~~xxxx~~ a recognized member of the Choctaw tribe of Indians in 1830? A I think he was.

Q You don't know? A I am told that. That is all I know you understand that don't you? That is the only way this young generation can know isn't it? I am told so.

Q Did Jacob Patton ever, if a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 signify to the United States Indian Agent of the Choctaw Indians, his intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A I don't know.

Q Where did Jacob Patton die? A I think in Kentucky if I am not mistaken.

Q Do you know in what year? A No, I don't.

Q Do you know how long he had been a resident of the state of Kentucky? A I don't know.

Q Do you know anything of his residence in either the state of Mississippi or the state of Kentucky? A No sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Are you making any claim by reason of any other treaty stipulation entered into between the United States and the Choctaw Indians? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Emma Fultz.

Q Are you making any claim for her? A Yes sir.

Q What do you claim her to be? A Choctaw.

William H. Fulton 4

Q Making application for her as a Mississippi Choctaw? A Yes sir.

Q How old is she? A She is 32.

Q Her residence has always been the same as yours? A Yes sir.

Q How much Choctaw blood has she? A About one sixteenth.

Q What was her father's name? A Finks.

Q His full given name? A Henry Finks.

Q Is he living? A No sir.

Q What is your wife's mother's name? A Her name Emily Finks.

Q Is she living? A Yes sir.

Q Through which one of her parents does she get her Choctaw blood? A Her father.

Q How long has her father been dead? A I think about 26 years.

Q Was he ever recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.

Q Your wife's name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the wife of the applicant does not appear thereon.

Q Has she ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Has she ever been recognized by the Choctaw tribal authorities by any official act of their national Council as a citizen of the Choctaw Nation? A No sir.

Q Did she or any one in her behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.

Record of applications for citizenship in the Choctaw Nation made to this Commission in 1896, examined and the name of the wife of the applicant does not appear thereon.

Q Has your wife ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.

Record of parties admitted to citizenship in the Choctaw Nation by judgment of the United States Court examined and the name of the wife of the applicant does not appear thereon.

Q Has any application either been made by her or on her behalf prior to this time to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q This is the first application that has ever been made for her? A Yes sir.

Q Why do you believe that your wife is entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Because her father was a descendant from old Peter Picayune.

Q What relation was Peter Picayune to her? A Great grand father I believe.

Q Have you any evidence showing that your wife is a direct lineal descendant of Peter Picayune? A Not with me.

Q Did Peter Picayune or any other of your wife's ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

William H. Fultz :

- Q Where did you marry her? A In Kansas.  
Q When? A Fourteen years ago.  
Q Have you your marriage license and certificate? A With me?  
Q Yes sir. A No not with me.  
Q Have you any children? A Yes sir.  
Q How many? A Four.  
Q What are their names and ages? A Louis A. Fultz.  
Q How old? A He is eight years old.  
Q The next one? A Goldie E. Fultz.  
Q Go ahead. A The next one is Essie H. Fultz.  
Q How old? A She is four.  
Q The next one? A Katie F. Fultz.  
Q How old is Katie? A She is two years old.  
Q These children have always lived with you at your home?  
A Yes sir.  
Q You are the father of all four of them? A Yes sir.  
Q Emma Fultz is the mother of all four of them? A Yes sir.  
Q You and your wife living together? A Yes sir.  
Q Is there any additional statement you desire to make in support of this application? A No sir.  
Q Any written evidence you desire to offer the Commission for consideration in support of this application? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your wife and your four minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post-office address.

A Marion, Kansas.

Q You said your post-office address was Canadian, Indian Territory? A Well that's all right too but from what you said about it I supposed you wanted my present address. Of course you can send it there.

Myra Young, having been first duly sworn upon her oath states that as stenographer of the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 4th day of December, 1900.

Acting Chairman.

Department of the Interior.

Commission to the Five Civilised Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



1  
Reg 16/16

William H. Fultz

Canadian

9001

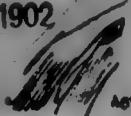
J. J.



1095

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

AUG 1 1902



ACTING CHAIRMAN





W. J. O. B.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.1098

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 20, 1902

William H. Fults,  
Canadian, Indian Territory.

Dear Sir:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Cyrus H. Fix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus H. Fix, et al.,	M.C.R.1056,
Mary J. Wood, et al.,	M.C.R.4431,
Cyrus L. Fix,	M.C.R.1065,
Sarah Myrtle Bauman, et al.,	M.C.R.1096,
Delila Jane Bush, et al.,	M.C.R.4206,
William H. Bush,	M.C.R.4413,
Delila J. Weis,	M.C.R.4414,
John H. Bush,	M.C.R.4415,
Lucy Mitchell, et al.,	M.C.R.4204,
Isador Bush,	M.C.R.4416,
Nora Navarre,	M.C.R.4417,
Jesse Fix, et al.,	M.C.R.1084,
William H. Fults, et al.,	M.C.R.1095.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witness-

W H Y 2

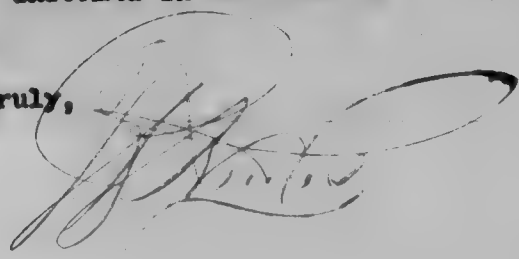
es, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah M. Fix, James E. Fix, Laura Fix, Mary J. Wood, Ivy Oak Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Raymer Bauman, Viola May Bauman, Delila Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John H. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fultz, Emma Fultz, Louis A. Fultz, Goldie E. Fultz, Essie H. Fultz and Katie F. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of Article fourteen of the treaty of 1850, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,



Registered.

Commissioner in Charge.

COPY.

M C R 1098

Muskogee, Indian Territory, November 15, 1902.

William H. Fultz,

Canadian, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shootaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1902.

Respectfully,

SIGNED:

Tamm Birby

No. 1095

For Identification as a Mississippi Choctaw.

Date NOV 30 1900

Name William N. Fultz.

Age 37. Blood 1/16

Post Office, Canadian, A. T.

Father: David Fultz - dead.

Mother: Elizabeth Fultz - dead.

Claims through mother.

WIFE: Emma Fultz. 32. 1/16

FATHER: Henry Fix - dead

MOTHER: Emily Fix - ✓

CLAIMS THROUGH FATHER.

Children:

Louis A. Fultz 8.

Goldie E. " 6.


Essie N. " 4.

Katie F. " 2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 30 1900



ACTING CHAIRMAN.

Stenographer:

Myra Young.

REFUSED

DECISION RENDERED

JUN 10 1902

NOTICE OF DECISION MAILED APPLICANT

JUN 20 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS

JUN 26 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

JUN 20 1902

RECORD FORWARDED DEPARTMENT

JUN 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

NOV 15 1902

REFER TO M. C. R. 1057

Choc MCR 1096 Sarah M. Bauman

see MCR 1056

MCR 1096

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 30, 1900.

In the matter of the application of Sarah Myrtle Bauman for the identification of herself and her three minor children as Mississippi Choctaws. Sarah Myrtle Bauman being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah Myrtle Bauman.  
Q What is your age? A Twenty four.  
Q What is your post-office address? A It is Reading now. Temporarily we live in Kansas.  
Q Reading, Kansas? A Yes sir.  
Q Are you a resident of the state of Kansas? A Temporarily. We live there now. We are thinking of moving.  
Q Your residence is in the state of Kansas? A Yes sir.  
Q All of your personal belongings? A Yes sir.  
Q Do you own property in Kansas? A Yes sir.  
Q Own any property any where else? A No sir.  
Q Have you any residence any where else? A No sir.  
Q Did you ever make a residence any where else? A Yes sir.  
Q When? A Three or four years ago.  
Q Maintained a residence in Kansas for the last three or four years? A Yes sir.  
Q What do you mean by temporarily in Kansas? A We are thinking of moving to Oklahoma or to South Canadian, Indian Territory.  
Q How long have you lived in Kansas? A I was born and raised there.  
Q Lived there all your life? A Yes sir. All but what time I was in Oklahoma.  
Q When were you in Oklahoma? A When Oklahoma first came.  
Q What year was that? A I don't remember.  
Q How long were you in Oklahoma? A About six months.  
Q And then came back to Kansas? A Yes sir.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q What is your father's name? A Cyrus H. Fix.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Mary A. Fix.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Your father's name on any of the tribal rolls of the Choctaw Nation? A He made application here the other day, him and my brother both.  
Q I asked you if your father's name was ever on any of the tribal rolls of the Choctaw Nation? A No sir.  
Q Has he ever been recognized by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission examined and the name of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the Choctaw tribal authorities by any official act of their national Council as a citizen of that nation? A No sir.



Sarah Myrtle Bauman 2

Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No sir.

Record of applications for citizenship in the Choctaw nation made to this Commission in 1896 examined and the name of the applicant does not appear thereon.

Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

Record of parties admitted to citizenship in the Choctaw nation by judgment of the United States Courts examined and the name of the applicant does not appear thereon.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw?

Q No sir.

Q This is your first application of any description is it?

A Yes sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Through my ancestors the Picayunes.

Q You are making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that article of that treaty? A No sir.

Q What is the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830?

A Peter Picayune.

Q What relation was Peter Picayune to you? A My great grand father.

Q Have you any evidence showing that you are a direct lineal descendant of Peter Picayune? A Only what they have told me.

Q Have you any evidence showing that he was a recognized citizen of the Choctaw tribe of Indians in Mississippi. A I suppose my father filed affidavits.

Q Did Peter Picayune die in Mississippi? A Yes sir.

Q When? Do you know anything of his residence in Mississippi? A No sir.

Q Do you know anything of his recognition by the Choctaw tribe of Indians? A No sir.

Q Did Peter Picayune, if a recognized member of the Choctaw tribe of Indians, signify to the United States Indian agent of the Choctaw Indians his intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A I don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Are you making any claim by reason of any other treaty stipulation between the United States and the Choctaw nation? A Yes sir, 1830, Section 14.

Q That is the only one you are making your claim under?

A Yes sir.

Q You are making your claim solely under the provisions of

Sarah Myrtle Bauman 3

the fourteenth article of the treaty of 1830. Is that correct?

A I believe so.

Q Well now if you make any claim under any other treaty stipulation say so? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A George Benjamin Bauman.

Q Is he a white man? A Yes sir.

Q Making any claim for him? A No sir.

Q He never made any claim to Indian citizenship by blood did he? A No sir, he isn't any Indian.

Q Have you any children? A Yes sir three.

Q What are their names and ages? A Charles Benjamin Bauman . Five years old.

Q The next one? A Leslie Raymer.

Q How old is he? A Three.

Q The next one? A Viola May.

Q How old is Viola? A One year old.

Q Are you the mother of these three children? A Yes sir.

Q George Bauman is the father of these three children? A Yes sir.

Q You and your husband live together? A Yes sir.

Q These children have always lived with you? A Yes sir.

Q Is there any additional statement you desire to make in support of ~~your application~~ your application and the application you make on behalf of your children? A No sir.

Q Is there any written evidence that you desire to submit to the Commission for consideration in support of your application?


A No sir.

The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of November, 1900 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 4th day of December, 1900.

  
Acting Chairman.

COPY

M.C.R.1096.

Muskogee, Indian Territory, June 20, 1902.

Sarah Myrtle Bauman,  
Reading, Kansas.

Dear Madam:

You are hereby advised that on the 10th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the nonconsolidated case of Cyrus H. Pix, et al., embracing the following applications for identification as Mississippi Choctaws:

Cyrus H. Pix, et al.,	M.C.R.1056,
Mary J. Wood, et al.,	M.C.R.4431,
Cyrus H. Pix,	M.C.R.1065,
Sarah Myrtle Bauman, et al.,	M.C.R.1096,
Delila Jane Bush, et al.,	M.C.R.4205,
William H. Bush,	M.C.R.4413,
Delila J. Weis,	M.C.R.4414,
John H. Bush,	M.C.R.4418,
Lucy Mitchell, et al.,	M.C.R.4204,
Isador Bush,	M.C.R.4416,
Mora Mavanne,	M.C.R.4417,
Jesse Pix, et al.,	M.C.R.1024,
William H. Kultz, et al.,	M.C.R.1025.

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation,

concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cyrus H. Fix, Sarah M. Fix, James H. Fix, Laura Fix, Mary J. Wood, Ivy Olah Wood, Jessie E. Wood, Cyrus L. Fix, Sarah Myrtle Bauman, Charles Benjamin Bauman, Leslie Raymer Bauman, Viola May Bauman, Delia Jane Bush, Gracie Helen Bush, William H. Bush, Delila J. Weis, John N. Bush, Lucy Mitchell, Laurence Mitchell, Lulu Mitchell, Wayne Mitchell, Isador Bush, Nora Navarre, Jesse Fix, Susan E. Fix, Phillip Fix, Clara Fix, Robert Fix, Gertie Fix, William H. Fultz, Emma Fultz, Louis A. Fultz, Goldie W. Fultz, Essie H. Fultz, and Katie F. Fultz as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Register.

Commissioner in Charge.

X O R 1096

COPY.

Muskogee, Indian Territory, November 18, 1908.

Sarah Myrtle Bauman,

Needing, Kansas.

Dear Madam:

You are hereby notified that on the 5th day of November, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cyrus H. Fix, et al., of which decision you were advised by registered mail on the 20th day of June, 1908.

Respectfully,

(SIGNED)

Fannie Birney  
Acting Chairman.

No. 1096

For Identification as a Mississippi Choctaw.

Date NOV 30 1900

Name Sarah Myrtle Bauman.

Age 24 Blood 1/16

Post Office, Reading, Kansas.

Father: Cyrus H. Dix - ✓

Mother: Mary A. Dix - dead

Claims through father.

HUSBAND:

George B. Bauman.

(No claim for husband).

Children:

Charles B. Bauman 5.

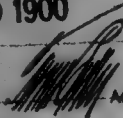
Leslie R. " " 3.

Viola M. " " 1.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 30 1900



ACTING CHAIRMAN.

Stenographer:

Myra Young.



RECEIVED

DECISION RENDERED.

JUN 18 1902

NOTICE OF DECISION MAILED APPLICANT.

JUN 20 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

JUN 23 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 20 1902

RECORD FORWARDED DEPARTMENT.

JUN 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOV 15 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 15 1902

REFER TO M.O.R. 1256



choc MCR 1097 Tennie Counts

spe MCR 349

MCR 1097

REFUSED.

*Jennie Counts, et al*

REFUSED.

DECISION RENDERED.

OCT 14 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 14 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

OCT 14 1902

NOTICE OF DECISION MAILED  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 14 1902

RECORD FORWARDED DEPARTMENT.

OCT 30 1902

REMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING.

FEB 19 1903

RECORD FORWARDED DEPARTMENT.

SEP 1 1903

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

AUG 22 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

SEP 26 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

SEP 26 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

SEP 26 1904

REFER TO M. O. R. 349.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. Nov. 30, 1900.

In the matter of the application of Tennie Counts for the identification of herself and two minor children as Mississippi Choctaws. Tennie Counts being duly sworn by the Commission testified as follows:

Examination by the Commission.

- Q What is your name? A Tennie Counts.  
Q What is your age? A Twenty six.  
Q What is your post-office address? A Sugden.  
Q Are you a resident of the Indian Territory? A Yes sir.  
Q How long have you resided here? A All my life.  
Q Born here? A Yes sir.  
Q Maintained a residence here for the past twenty six years?  
A Yes sir.  
Q Never lived anywhere else? A No sir, lived in Clay County about two years.  
Q What two years? A About seven or eight years ago.  
Q How much Choctaw blood do you claim? A A quarter. My father was a half breed.  
Q What was your father's name? A John Sies.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Bertha.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Your father's name ever on any of the tribal rolls of the Choctaw Nation? A I guess it has been.  
Q On what roll? A Choctaw.  
Q On which roll that has been made by the Choctaw authorities does your father's name appear. What year. A I could not tell you what year.

The records of the Commission show that a John Sies made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation at South McAlester in September, 1899 and was there refused enrollment for the reason that his name did not appear on any of the tribal rolls in the possession of the Commission.

- Q Is your name on any of the tribal rolls of the Choctaw Nation? A No sir.

Tribal roll of citizens of the Choctaw Nation in the possession of the Commission, examined and the name of the applicant does not appear thereon.

- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been recognized by the tribal authorities of the Choctaw Nation by any official act of their National Council as a citizen of that Nation? A No sir.  
Q Did you or any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Pa might. I didn't.

The record of the Commission of cases heard under the act of June 10th, 1896, examined and on page 376 Citizenship Docket C, Choctaw case 1058, John Sies versus the Choctaw Nation. Original application filed September 16, 1896, and the answer of the Choctaw Nation filed thereto and on December 5th 1896 the Commission denied the application of John Sies for citizenship in the Choctaw Nation. There is no record of any appeal having been taken from the decision of the Commission in the time prescribed in the act of June 10th, 1896.

Q Were you a party to the application made by your father to the Commission in 1896? A Yes sir, I think he did. No he didn't either.

Q Did you make application? A No sir.

Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.

Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Because my father has a right and I think I am entitled to one.

Q Your father has a right. What do you mean by that? A He's recognized as a Choctaw by the Choctaws.

Q By the tribal authorities of the Choctaw Nation? A Yes sir.

Q In what manner? No answer.

Q You are making your application now for identification as a Mississippi Choctaw under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Were your ancestors residents of the state of Mississippi in 1830 at the time the Choctaw Nation and the United States entered into that treaty? A Yes sir.

Q What was the name of your ancestor through whom you claim this right and who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Pa.

Q Your father? A Yes sir.

Q How old is he? A He's about sixty some odd years old.

Q He could not have been a resident of the state of Mississippi in 1830 could he? A Well, I don't know how old pa is and I don't suppose pa knows himself how old he is.

Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Nation? A Pa.

Q You have just testified that your father was under 75 years of age. People who were identified must have been heads of families in 1830. A I didn't understand you.

Q What was your father's mother and father's name. A Pa's mother and father was a Carney.

Q Now which one of them was an Indian? A His mother.

Q What was her maiden name? A I couldn't tell you.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi? A Ah Yes sir, full blooded Indian.

Q Her married name was Elizabeth Carney? A Yes sir.

Q Did she leave Mississippi? A I couldn't tell you that.

Q Do you know where your father was born? A Mississippi I think. Yes sir, Mississippi.

Q When did he come to the Indian Territory? A I couldn't tell you that either.

Q Do you know how long he had been living in the Indian Territory before you were born? A No sir.

Tennie Counts 3

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Are you making your claim solely as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir, I am a widow. I have been married.

Q What was your husband's name? A Frank Counts.

Q He is dead is he? A Yes sir.

Q Have you any children? A Yes sir I have two.

Q Your husband a white man? A Yes sir.

Q Never made any claim to Indian citizenship? A No sir.

Q What are the names and ages of your children? A My little boy ~~XXXXXX~~ is eight years old. His name is Valley Counts.

Q All right? A Callie Counts.

Q How old is she? A Seven.

Q You are the mother of both of these children? A Yes sir.

Q Is Frank Counts the father? A Yes sir.

Q These children both live with you at your home? A Yes sir.

Q Is there any additional statement you wish to make in support of this application? A Yes sir, here is some papers.

Q You want to file those papers? A Yes sir.

There is offered in evidence, filed and made a part of the record in this case, the application of Tennie Counts and the affidavit of John and Martha Sies.

The decision of the Commission as to your application and the application you make on behalf of your two minor children for identification as Mississippi Choctaws will be mailed to you in writing in the near future to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 30th day of November, 1900 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings of said date.

Myra Young.

Subscribed and sworn to before me this 4th day of December, 1900.

[Signature]  
Noting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tennie Counts for the identification of herself and her minor children, Valley and Callie Counts, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Tennie Counts appeared before the Commission at Muskogee, Indian Territory, November 30, 1900, and there made application for the identification of herself and her minor children, Valley Counts and Callie Counts, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (Public No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Tennie Countz and her minor children, Valley Counts and Callie counts, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory,  
this \_\_\_\_\_ day of \_\_\_\_\_, 1901.

ACTING CHAIRMAN.



COPY.

M.C.R. 1097

Muskogee, Indian Territory, October 14, 1902.

Tennie Counts,

Sugden, Indian Territory.

Dear Madam:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Sies, et al., embracing the following applications for identification as Mississippi Choctaws:

John Sies, et al.,  
Tennie Counts, et al.,

M.C.R. 349  
M.C.R. 1097

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Sies, Tennie Sies, Ben Sies, Willie Sies, Jessie Sies, Tilman Sies, Tennie Counts, Valley Counts and Calie Counts as



Tennie Counts----- 2

Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

(SIGNED).

A. D. J. [Signature]

Commissioner in Charge

Registered.

M C R 1097

Muskogee, Indian Territory, March 14, 1903.

Tennie Counts,

Muskogee, Indian Territory.

Dear Madam:

The Secretary of the Interior, with his letter of February 19, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of John Sies, et al., with instructions that the several applicants therein be granted an opportunity to introduce further testimony in support of their claims.

The record shows that the applicants in this case derive their Choctaw blood from one Vena (or Elisabeth) Carney, a full blood Choctaw who was the wife of Man Sies, a half blood Chickasaw.

The Secretary of the Interior in his letter states that the records in the possession of the government "show that a man and his wife named Carney, with their six children, were beneficiaries under the provisions of article fourteen of the treaty of September 27, 1830. A further investigation is necessary concerning the ancestry of said Vena (or Elisabeth) Carney in order that the conclusion may be reached as to whether she was a member of the Carney family referred to above, or so related to any of them that their compliance with said article fourteen would inure through her to the benefit of these applicants."

In accordance with such instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered tending to show that you are a direct lineal descendant of the Carney family named in the record herein referred to.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. Said article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the State shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the State for five years after the ratification of this treaty, in that case, a grant in fee simple

T C 3

shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Respectfully,

Chairman.

Registered.

COPY;

M.C.R. 1097

Muskogee, Indian Territory, September 26, 1904.

Tennie Counts,

Sugden, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Valley Counts and Callie Counts, included in the consolidated case of John Sles, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED

*Tame Bixby.*  
Chairman.

No. 1097

For Identification as a Mississippi Choctaw.

Date NOV 30 1900

Name *Tennie Counts.*

Age *26.* Blood *1/4*

Post Office, *Sugden, Ind. Ter.*

Father: *John Liss -* ✓

Mother: *Bertha Liss -* ✓

Claims through *father.*

HUSBAND:

*Frank Counts - dead.*

Children:

*Valley Counts* 8

*Callie* " 7

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 30 1900

 ACTING CHAIRMAN.

Stenographer

*Myra Young.*



Choc MCR 1098 Cora Gatewood

see MCR 36

MCR 1098



FOR THE DEPARTMENT OF THE INTERIOR  
A MISSISSIPPI CHOCTAW.

*Gora Gaterwood et al*

REFUSED

DECISION RENDERED.

MAR 2 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

MAR 2 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT. 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOV 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOV 5 1902

REFER TO M. C. R. 36

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, INDIAN TERRITORY, DECEMBER 10, 1900.

In the matter of the application of Cora Gatewood for the identification of herself and her two minor children as Mississippi Choctaws.

Cora Gatewood, having been first duly sworn and examined by Acting Chairman, Tams Dixie, testifies as follows:

- Q What is your name? A Cora Gatewood.  
Q What is your age? A Twenty six.  
Q What is your post office address? A Cliff, Indian Territory.  
Q Do you live at Cliff? A Yes sir.  
Q How long have you lived in Indian Territory? A I have lived in Indian Territory about fifteen months.  
Q Where did you come from to Indian Territory? A Texas.  
Q How long had you lived in Texas? A All of my life till about 15  
Q Where were you born? A Texas  
Q Never lived in Mississippi did you? A No sir.  
Q Do you claim to be a Mississippi Choctaw? A Yes sir.  
Q Have you any children? A Yes sir, I have two.  
Q What is the name of the oldest? A Wade.  
Q How old is he? A Four years old.  
Q What is the name of the other child? A Lemmie.  
Q How old is he? A Two years old.  
Q And you claim that your children are Mississippi Choctaws? A Yes sir.  
Q Have you ~~any~~ or your children ever been recognized by the tribal authorities of the Choctaw Nation as citizens of that Nation?  
A No sir.  
Q Have you ever applied to the authorities of the Choctaw Nation for enrollment of yourself or your children? A No sir, this is my first attempt  
Q Did you apply to the Dawes Commission in the year 1896 for enrollment as a Choctaw? A No sir.  
Q Do you claim under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.  
Q Did your ancestors ever take advantage of the provisions of this article? A I could not tell you.  
Q Did you or any of your ancestors ever claim or receive any lands as beneficiaries under article fourteen of the treaty of 1830?  
A No sir.  
Q Have you either the original patent or a certified copy of the patent of any lands received by your ancestors under article fourteen of the treaty of 1830? A No sir  
Q Do you claim under article fifteen or article nineteen or the supplement to the treaty of Dancing Rabbit Creek? A No sir.  
Q What proportion of Choctaw blood do you claim to have? A My grandmother was a half breed Choctaw, my father is a quarter.  
Q What is your father's name? A William C. Dowell.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A My mother is dead.  
Q Well what was her name? A Her name was Ester England before she married Dowell.  
Q Was she a white woman? A Yes sir.  
Q What is the name of your husband? A Jesse Gatewood.  
Q He is the father of these two children? A Yes sir.  
Q What is the name of your father's father? A Jim Dowell.  
Q He was a Choctaw or white man? A White man.

Gatewood-2

- Q What was the name of your father's mother? A Visay Redmon.  
Q She was a Choctaw was she? A Yes sir, half  
Q Did she live in Mississippi? A Yes sir.  
Q Is she dead? A Yes sir.  
Q Do you know when she died? A No sir.  
Q Do you know how old she was when she died? A No sir.  
Q Have you any papers that evidence your claim to identification as a Mississippi Choctaw? A No sir, nothing only my father. No sir, I haven't any papers but I could have my father's statement, he is right here in the house now. He came before this Commission in June was accepted.  
Q You say your father was accepted in June? A Yes sir.  
Q What makes you think he was accepted? A Well, I just supposed he was; he got several letters.  
Q Do you want your father's evidence taken in this case? A Yes sir.

Witness excused.

W. C. Dowell, having been first duly sworn, and examined by Acting Chairman, Tams Bixby, testifies on behalf of the applicant as follows:

- Q What is your name? A Dowell; William C.  
Q What is your age? A I am forty seven.  
Q Where do you live? A Live at Cliff.  
Q That is Indian Territory is it? A Yes sir.  
Q How long have you lived in Indian Territory? A About thirteen months.  
Q Where did you come from? A I come from Texas.  
Q Do you know Cora Gatewood? A Yes sir.  
Q Is she your daughter? A Yes sir.  
Q Well, what, if anything, do you know about her claim for identification as a Mississippi Choctaw? A Well, I don't know anything only that she is my child.  
Q Have you got any papers to substantiate her claim to identification as a Mississippi Choctaw? A No sir, I haven't got any; none only some papers that I want to file in this case.

Affidavit of Willis Jackson offered in evidence and placed on file.

- Q You applied to this Commission on June 14th, 1900 for identification as a Mississippi Choctaw? A Yes sir.

Cora Gatewood, recalled, testifies as follows:

Examined by Acting Chairman Tams Bixby.

- Q Is there any additional statement in regard to your case that you desire to make? A No sir, I have said enough.  
Q Have you any affidavits or written statements that you desire to present to the Commission at this time? A No sir.

You will be furnished with a copy of the decision of the Commission relative to the application of yourself and your children for identification as Mississippi Choctaws, which will be mailed to you at your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on December 10, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this 29th day of December, 1900

*Anna Bell*  
*Chas. L. Emerson*  
Notary Public.

Muskogee, Indian Territory, November 27, 1901.

Cora Gatewood,

Cliff, Indian Territory.

Madam:

In the matter of the application for identification as Mississippi Choctaws of William G. Dawell, et al, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Atoka, Indian Territory, on December 10, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and your two minor children, claiming through the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, January 9, 1902, at nine o'clock a. m., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

Acting Chairman.

M.C.1098.

COPY.

-MOR-1098-

Muskogee, Indian Territory, March 5, 1908.

Cora Gatewood,

Cliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of March, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Dowell, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Dowell, et al.,  
Riley Ransom Dowell, et al.,  
Cora Gatewood, et al.,

M.C.R. 36  
M.C.R. 353  
M.C.R. 1098

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of

C. C. S.

William C. Dowell, Paul D. Dowell, Willie Dowell, Edmund Dowell, Riley Hanson Dowell, Riley Ervin Dowell, Mable E. Dowell, Oera Gatewood, Wade Gatewood, and Lennie Gatewood, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Tams Bixby.

ACTING CHAIRMAN.  
Commissioner in Charge.

Registered.



COPY

M.C.R. 1090

Langhorne, Indian Territory, November 8, 1902.

Dear Sir,

Langhorne, Indian Territory.

Dear Sir,

You are hereby advised that on the 22d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Dowell, et al., of which decision you were advised by registered mail on the 3d day of March, 1902.

Respectfully,

(SIGNED)

*Tamc Dixby.*

Acting Chairman.



No. 1098

For Identification as a Mississippi Choctaw.

Date DEC 10 1900

Name Cora Gatewood

Age 26 Blood 1/8

Post Office, Cliff, Ind. Ter

Father: Wm. C. Nowell - ✓

Mother: Esther Nowell - dead

Claims through father.

HUSBAND:

Jesse Gatewood.  
(No claim for husband).

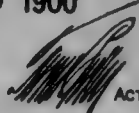
Children:

Wade Gatewood 4.  
Lemmie " 2.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 10 1900



ACTING CHAIRMAN.

Stenographer  
Anna Bell.

Choc mcr 1099 Felix warte/

mcr 1099

REFUSED.

*Felix Wartel, et al*

DECISION RENDERED

JUL 28 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 28 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 28 1902

RECORD FORWARDED DEPARTMENT.

JUL 28 1902

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ACTION APPROVED BY SECRETARY OF INTERIOR.

---

FEB 6 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

FEB 21 1903

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, INDIAN TERRITORY, DECEMBER 10, 1900.

In the matter of the application for identification as Mississippi Choctaws of Felix Wartell and his minor children.

Felix Wartell, having been first duly sworn and examined by Acting Chairman, Tams Bixby, testified as follows:

- Q What is your name? A Felix Wartell.  
Q What is your age? A Fifty years.  
Q What is your post office address? A Durant.  
Q How long have you lived in the Indian Territory? A Since the first of March.  
Q This year? A Yes sir.  
Q Where did you come from to the Indian Territory? A Texas.  
Q How long had you lived in Texas before coming to the Indian Territory? A Four years.  
Q Where did you live before living in Texas? A Parish of Calcasieu Lake Charles, Louisiana.  
Q How long did you live in Louisiana? A All my life.  
Q Born in Louisiana? A Yes sir.  
Q Never lived in Mississippi? A No sir.  
Q Did your parents ever live in Mississippi? A Yes, my great grandfather and grandmother.  
Q Father and mother ever live in Mississippi? A No sir.  
Q What is your father's name? A Felix wartell.  
Q Is he living? A No sir.  
Q What is your mother's name? A Victorine Escobar.  
Q You say your grandparents lived in Mississippi? A Yes sir.  
Q Your grandfather on your father's side or your mother's side?  
A On my mother's side.  
Q What was the name of your grandfather on your mother's side.  
A He was an Escobar.  
Q Do you claim to be a Mississippi Choctaw? A Yes sir.  
Q Do you claim under article fourteen of the treaty of 1830?  
A I don't well understand it but yes sir, so far as I understand.  
Q Did any of your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A Not of my knowledge.  
Q Did any of your ancestors ever claim or receive any lands as beneficiaries under article fourteen of the treaty of 1830?  
A Not of my knowledge.  
Q Have you the original patent or certified copy of patent to any land received by any of your ancestors under article fourteen of the treaty of 1830? A No sir.  
Q Do you claim under any other article of the treaty of 1830? A No sir.  
Q What proportion of Choctaw blood do you claim to have in your veins?  
A One fourth.  
Q Are you married? A Yes sir.  
Q Married to a white woman? A Yes sir.  
Q Have you any children? A Yes sir.  
Q Are you making any claim in their behalf? A Yes sir.  
Q Do you claim that they are Mississippi Choctaws? A Yes.  
Q Does their claim for identification as Mississippi Choctaws have the same foundation as your own? A Yes sir.  
Q Have you your marriage certificate? A Yes sir.  
Q What is the name of the mother of your children? A Louisa Escobant  
Q Please give the names and ages of your children under twenty one years of age? A George Felix Wartell, age seventeen.  
Q Go ahead? A Robert Mayfield Wartell; Robert Mayfield is eleven years old.  
Q How old is your mother? A Sixty seven years old.                      Why my great

Felix Wartell-2

grandfather was a full blood Choctaw by the name of Low; my grandmother's father and his daughter--- my mother was a full blood whose name was Mary Low. So far as the Wartells, they are white people; of course that is my father.

Q What I want to get at is the name of some of your ancestors who were living in 1880 who were Indians? A My grandmother was living at that time.

Q What was her name? A Mary Low.

Q What was her name before she was married? A Mary Low.

Q What was her name after she was married? A Escobar.

Q Any additional statement in regard to your case that you desire to make? A Well nothing more than--- nothing as I know of.

Q Have you any papers that you would like to submit? A No sir, I am not able to make out any papers. I came into the ~~Commissioner's~~ country here to establish me a home and paid for it.

The decision of the Commission when rendered will be furnished you in written form mailed to your post office address as you have given it to us today.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the five civilized Tribes she reported in full all proceedings had in the above entitled cause on the tenth day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 29 day of December, 1900.

*Guy L. V. Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

\*\*\*\*\*

In the matter of the application of Felix Wartell, et al.,  
for identification as Mississippi Choctaws, N O R , 1899.

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List of papers forwarded to the Secretary of the Interior, comprising the record in the application of Felix Wartell, et al.

Page.

Original application of Felix Wartell, et al., to the Deuce  
Commission for identification as Mississippi Choctaws - - - - - 1

Marriage record of Felix Wartell and Mrs. Louise  
Reclaren - - - - - 3

Decision of the Commission denying the application of Felix  
Wartell, et al., for identification as Mississippi Choctaws - - 4

*Ind.  
C. v. W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;-----

In the matter of the application of Felix Wartell, et al., for identification as Mississippi Choctaws, M C R 1099.

D E C I S I O N .

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Felix Wartell for himself and his two minor children, George Felix and Robert Mayfield Wartell, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mary Escobar (nee Law), who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.



It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Escobar, (nee Low), or ancestors less remote, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, any intentions to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

-3-

Felix Wartell, George Felix Wartell, and Robert Mayfield Wartell,  
as Choctaw Indians entitled to rights in the Choctaw lands under  
the provisions of said article fourteen of the treaty of eighteen  
hundred and thirty, and that the application for their identifica-  
tion as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
ACTING CHAIRMAN.  
  
\_\_\_\_\_  
COMMISSIONER.

Muskogee, Indian Territory,

JUL 28 1902

Muskogee, Indian Territory, March 2, 1901.

J. W. Latta,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th of February in which you desire to be informed if Felix Wartell is listed for enrollment as a citizen of the Choctaw Nation.

Replying to your letter you are informed that the records of the Commission do not show that any party by this name has ever been an applicant for enrollment as a citizen of either the Choctaw or Chickasaw Nations.

The records do show however, that on December 10th, 1900, Felix Wartell appeared before the Commission at Atoka, Indian Territory and made application for the identification of himself and his two minor children, George Felix and Robert Mankieid Wartell as Mississippi Choctaws.

The Commission has not up to this time rendered a decision in the matter of such application but contemplated doing so in the near future when a copy of the same stating fully therein the reason for any action that may be taken by the Commission will be mailed to Mr. Wartell at his present post-office address.

Yours truly,

Acting Chairman.

M C R 1099.

COPY.

Muskogee, Indian Territory, July 26, 1902.

Manfield, McMurray & Gernish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Felix Wartell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Felix Wartell, George Felix Wartell, and Robert Mayfield Wartell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

280

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNATURE

*T. B. Needles.*

Commissioner in Charge.

COPY

M O R 1099.

Muskogee, Indian Territory, July 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Felix Hartell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26th, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*I. B. Needles.*

Through the Commissioner of  
Indian Affairs.  
1 enclosure.

Commissioner in Charge,



M C R 1099,

Waskagee, Indian Territory, July 28, 1902.

Felix Wartell,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Felix Wartell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Felix Wartell, George Felix Wartell, and Robert Mayfield Wartell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



-2-

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

C O P Y.

DEPARTMENT OF THE INTERIOR.  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON. Jan. 14, 1903.

Land.  
45,520-1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had ~~by the Commission~~ to the Five Civilized Tribes in the matter of the application of Felix Wartell, et al., for the identification of himself and his two minor children, George Felix and Robert Mayfield Wartell, as Mississippi Choctaws.

On July 28, 1902, the commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

An examination of the record evidence shows that the applicants are not of the full blood and further shows that they are the descendants of Victorine Escobar and through her of their grandfather.....Escobar who lives in Mississippi, and through whom they claim.

The office records have been examined and nowhere shows that any person by the name of.....Escobar ever complied with the provisions of the 14th article of said treaty or received a patent for land thereunder.

The record evidence in no way supports the claims of the applicants and the office therefore considers that the decision of the Commission herein should be affirmed and so recommended to the Department.

Very respectfully,  
W.A. Jones, Commissioner.

D.O. 3938

C O P Y.

J.W.H.

DEPARTMENT OF THE INTERIOR.

MAP.

ITD. 404-1903.

W A S H I N G T O N.

February 6, 1903.

L RS.

Commission to the Five Civilized Tribes.

Muskogee, I.T.

Gentlemen:

July 28, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Felix Wartell and his minor children, George Felix and Robert Humphreys Wartell.

The applicants endeavor to trace their Choctaw descent from one Mary Escobar (nee Low) who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Mary Escobar, or a less remote ancestor of the applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application July 28, 1902.

Forwarding the papers January 14, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the record and hereby affirms your decision.

Respectfully,

THOS. RYAN,  
Acting Secretary.

1 inclosure.

M.C.R. 1099

COPY.

Muskogee, Indian Territory, February 21, 1903.

Felix Wartell,

Durant, Indian Territory.

Dear Sir:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Felix Wartell, et al., of which decision you were advised by registered mail on the 20th day of July, 1902.

Respectfully,

(SIGNED)

Chairman

M.C.R. 1099

COPY.

Muskogee, Indian Territory, February 21, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Felix Wartell, et al., of which decision you were advised by mail on the 28th day of July, 1902.

Respectfully,

(SIGNED)

*Tarne Dixby*

Chairman

M C R 1099

Muskogee, Indian Territory, August 1, 1903.

Felix Wartell,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 29, 1903, in which you state that you think you are entitled to citizenship and wish that the Commission would investigate your claim.

In reply you are informed that it appears from our records that on February 6, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly advised on February 21, 1903. The Commission now considers your case closed and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.



M C R 1099

Muskogee, Indian Territory, February 9, 1903.

Felix Wartell,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask if the names of yourself and two children are on the approved roll of Mississippi Choctaws.

In reply you are informed that on February 6, 1903, the Secretary of the Interior approved the Commission's decision of July 28, 1902, refusing the application made by you for the identification of yourself and two minor children, Geo. Felix Wartell and Robt. Mayfield Wartell, as Mississippi Choctaws, of which departmental action you were duly notified on February 21, 1903.

Your case is now considered closed and it is not believed that you and your children are in any manner entitled to possess the rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman.



No. 1099

For Identification as a Mississippi Choctaw.

Date Dec. 10, 1900

Name Felix Wartell

Age 50 Blood 1/4

Post Office,

Father: Felix Wartell dead

Mother: Victorine Escobar dead

Claims through Art. XIV.

Treaty of 1830

Mother was Choctaw.

No claim for wife

children. Louise Wartell.


Geo. Felix Wartell - 17

Robt. Mansfield Wartell - 11

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 10 1900



ACTING CHAIRMAN.

Anna Bell. Stenographer

1064-1901 F. W. Latta

MC N 1099 Felix Wartell, et al

On December 10, 1900, Felix Wartell appeared before the Commission at Atoka and applied for identification for himself and two children George Felix Wartell and Robert Mansfield Wartell. No decision has yet been rendered in this case.

Atoka, March 8, 1901.

AS

choc mcr 1100 Isiah B. Hickman

see mcr 1212-1213

mcr 1100

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, INDIAN TERRITORY, DECEMBER 10, 1900.

In the matter of the application of Isaiah B. Hickman for the identification of himself and his minor children as Mississippi Choctaws, and for the identification of his wife as an intermarried Mississippi Choctaw.

Isaiah B. Hickman, having been first duly sworn and examined by Acting Chairman Tams Birby, testifies as follows:

- Q What is your name? A Isaiah B. Hickman.  
Q How old are you? A Fifty one years old.  
Q What is your post office address? A Lehigh, Indian Territory.  
Q How long have you lived in the Indian Territory? A Well I lived here nine years this fall.  
Q Where did you come from to the Indian Territory? A From Arkansas to the Indian Territory.  
Q How long had you lived in Arkansas? A I had lived there about twenty five years perhaps.  
Q Where did you come from to Arkansas? A I come from the Choctaw Nation.  
Q In Mississippi? A No sir, I never was in Mississippi.  
Q Choctaw Nation, Indian Territory? A Yes sir.  
Q Were you ever in Mississippi? A No sir.  
Q Where were you born? A Born in the Choctaw Nation.  
Q Do you claim to be a Mississippi Choctaw? A Yes sir.  
Q Do you claim under the provisions of the fourteenth article of the treaty of 1830? A Yes sir and all other provisions affecting the status of Mississippi Choctaws.  
Q All other provisions; provisions of what? A Treaties and laws.  
Q What treaties and laws? A Well, there is several of them.  
Q Well, sir, please name them. A But that is the special section that I want to file under.  
Q Do you claim under the fifteenth article of the treaty of 1830? A No sir, I don't claim under that.  
Q Well, how about the nineteenth article? A I don't recollect that sufficiently.  
Q Do you claim anything under the supplement? A Just under the rights affecting--- if there is any other; I supposed there was.  
Q It is quite necessary that you should know under what treaty and article you claim? A Under section fourteen.  
Q You base your claim entirely, then, on article fourteen of the treaty of 1830? A Yes sir.  
Q Did you ever take advantage of the provisions of the fourteenth article of the treaty of 1830? A No sir.  
Q Did any of your ancestors take advantage of the provisions of the fourteenth article of the treaty of 1830? A I think not.  
Q Did any of your ancestors claim or receive any lands as beneficiaries under article fourteen of the treaty of 1830? A No sir.  
Q You say you never lived in Mississippi? A No sir.  
Q Did your father and mother live in Mississippi? A My father lived in Mississippi.  
Q What was your father's name? A Nathaniel S. Hickman.  
Q Is he living? A No sir.  
Q Was he a Choctaw Indian? A He was one quarter Choctaw.  
Q When did he die? A He died in ~~Mississippi~~ May, '70.  
Q How old was he? A He was then about forty five I guess, is my recollection.  
Q Your Choctaw blood comes through your father? A Yes sir.  
Q What proportion of Choctaw blood do you claim to have? A One eighth.  
Q Are you married? A Yes sir.  
Q Wife living? A Yes sir.

Hickman-2

Q Making any claim in her behalf? A Yes sir, for her and my minor children.

Q What do you claim your wife to be? A Why, she is a white woman.

Q Citizen of the United States? A Yes sir.

Q Where did you marry her? A In Paris, Logan County, Arkansas.

Q When? A In May, '75.

Q Got your marriage certificate? A No sir, I haven't got it with me. I didn't know it was necessary to have it, I can file it with the Commission.

Q What sort of Choctaw citizenship do you claim for your wife?

A By marriage.

Q Do you claim that she is an intermarried Mississippi Choctaw?

A Yes sir.

Q What are the names and ages of your children under twenty one?

A John R. Hickman.

Q How old is John R.? A Twenty.

Q Give the age in each case? A Horace is eighteen; Burt S. sixteen, Arva A. fourteen, Mattie Irene, ten; that is all.

Q I understand you to say that none of your ancestors so far as you know ever claimed or received any land as beneficiaries under article fourteen of the treaty of 1830? A No sir, not that I know of; I don't think they did.

Q Then you have no patent or certified copy of the same or any other papers relative to lands received by your ancestors in Mississippi under the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Is there any additional statement in regard to your case that you would like to make at this time? A Nothing unless it is in reference to the rolls.

Q Well, what about the rolls? A And you haven't asked me about that; my relatives, blood relations who are on the rolls; did you want any names of that sort.

Q I don't know that it makes any difference, but I will ask you. What was the name of your mother? A Mary Hickman.

Q Is she living? A No sir, she is dead.

Q Was she a white woman? A Yes sir.

Q What is your wife's name? A Cora Hickman.

Q She is living? A Yes sir.

Q What is the name of your father? A Michael Ryan.

Q Is he living? A No sir, he is dead.

Q What is the name of her mother? A Martha.

Q Is she living? A Yes sir.

Q These are all white people? A Yes sir.

Q Is your name on the tribal rolls of the Choctaw Nation? A No sir.

Q Have you ever applied for citizenship to the tribal authorities of the Choctaw Nation? A No sir.

Q Did you apply to the Dawes Commission in 1896 for citizenship under the law of June 10, 1896? A I thought I had but my papers was mislaid by my attorney in some way.

Q You didn't get a judgment in your favor by the Commission? A No sir. Didn't get before the Commission.

Q Did you ever get your case before the United States Courts of the Indian Territory? A No sir.

Q Then as I understand, you have not been recognized by the tribal authorities and you have not been admitted to citizenship by the Commission to the Five Civilized Tribes or by the United States Courts? A No sir.

Q Neither you nor your wife nor your children? A No sir.

Q Is there any statement that you would like to make in regard to the tribal rolls? A No sir; I don't know whether my father's name is on the rolls or not; it seems to me that the way I get the tradition from the family that only my grandfather's name was on the roll as the head of the family.

Hickman -3

Q Did your grandfather ever live in this country? A Yes sir, he died in this country

Q When did he die? A He died about '59.

Q Is there any additional evidence in the form of affidavits or statements which you desire to present at this time?

A Not at this time, I have some but I didn't have them with me; the attorney said it was not necessary to bring them.

Commission: You ought to have them here because we are liable to do up your case as quick as the testimony is written up. A I can get it here tomorrow.

Commission: All right, we will hold it open for you until tomorrow.

Examination by Judge Lewis, Choctaw Commissioner.

Q How do you sign your name? A I. R. Hickman

Q I. R. A Isaiah B.

Commission: After you have filed your papers the Commission will render its decision in this case and you will be furnished with a written copy of the same mailed to you at the post office address which you have given us today.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the tenth day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 29 day of December, 1900.

*Guy L. Emerson*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Isaiah B. Hickman,  
et al., for identification as Mississippi Choctaws, consolidating the  
applications of

Isaiah B. Hickman, et al.....M.C.R. 1100  
Michael B. Hickman.....M.C.R. 1212  
Willie Hickman Stevens.....M.C.R. 1213.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case  
of Isaiah B. Hickman, et al.

Original application of Isaiah B. Hickman  
et al., to the Dawes Commission for iden-  
tification as Mississippi Choctaws.....3  
Affidavit of W. V. Serrano.....4  
Certified copy of the marriage record of  
I. B. Hickman and Mrs. Mary.....5  
Original application of Michael B. Hickman  
to the Dawes Commission for identification  
as a Mississippi Choctaw.....6  
Affidavit of I. B. Hickman.....7

(2)

Affidavit of Cora Hickman.....10

Original application of Willie Hickman  
Stevens to the Daves Commission for  
identification as a Mississippi  
Chester.....11

Affidavit of I. B. Hickman.....12

Affidavit of Cora Hickman.....14

Decision of the Commission denying the ap-  
plications in the consolidated case of  
Isaiah B. Hickman for identification  
as Mississippi Chester.....15

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. W. W.  
C. W. W.

In the matter of the application of Isaiah B. Nickman,  
et al., for identification as Mississippi Choctaws, consolidating the  
applications of

Isaiah B. Nickman, et al.....H.C.R. 2100  
Michael B. Nickman.....H.C.R. 2101  
Willie Nickman Stevens.....H.C.R. 2113.

--- DECISION ---

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this Commis-  
sion by Isaiah B. Nickman for himself and his five minor children,  
John B., William, Mary E., Arva A. and David Lee Nickman; by  
Michael B. Nickman for himself; by Willie Nickman Stevens for  
herself; and by Isaiah B. Nickman for the identification of his  
wife, Cora Hynes Nickman, as an intermarried Mississippi Choctaw,  
under the following provision of the act of Congress approved June  
22, 1906, (34 Stat., 493):

(8).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants or married to a descendant of one Delight (or Delite) Hickman (nee Krebs), who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

(3).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Delight (or Delite) Hickman (nee Krebs), or ancestors from whom, signified (in person or by proxy) to William M. Ward, Indian Agent, Cheater Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaiah B. Hickman, John R. Hickman, Horace Hickman, Eurt S. Hickman, Arva A. Hickman, Mattie Irene Hickman, Michael R. Hickman and Willie Hickman Brown as Cheater Indians entitled to rights in the Cheater lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is further the opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Cheater by marriage, and that the application

(4).

made by Isaac B. Hickman for the identification of his wife, Gera  
Hayer Hickman, as an intermarried Mississippi Choctaw, should, there-  
fore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Isaac B. Hickman

Commissioner

Commissioner

Okmulgee, Indian Territory,

AUG. 28 1902

REFER TO M. C. R. 1100

Isaiah B. Hickman  
et al

Consolidated Case

Delite or  
Delight Sheds, 1/2  
husband  
A. Hickman

Nathaniel Hickman 1/4  
wife  
Mary Hickman, w.

mer 1100  
Isaiah<sup>B.</sup> Hickman 5 1/8  
wife  
Cora Ryan, w.  
x claims for wife.

mer 1212  
Michael Hickman 24 1/6

mer 1213  
Nellie Hickman 23 1/6  
mer  
Oscar Shanks

mer 1100  
John R. Hickman 20  
" Horace Hickman 18  
" Burt S. Hickman 16  
" Arva A. Hickman 12  
" Mattie Irene Hickman 10



COPY.

M.C.R. 1100

Muskogee, Indian Territory, August 3, 1903.

Manfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaiah B. Hickman, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaiah B. Hickman, et al.,	M.C.R. 1100
Michael B. Hickman,	" 1212
Willie Hickman Stevens,	" 1212

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of



ENCLOSURE

Isaiah B. Hickman, John B. Hickman, Horace Hickman, Burt S. Hickman, Arva A. Hickman, Mattie Irene Hickman, Michael B. Hickman and Willie Hickman Stevens as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application may be Isaiah B. Hickman for the identification of his wife, Cera Rhysa Hickman, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tams Bixby.*

Acting Chairman.

M.C.R. 1100

Muskogee, Indian Territory, August 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Isaiah B. Hickman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Isaiah B. Hickman, et al.,	M.C.R. 1100
Michael B. Hickman,	" 1212
Willie Hickman Stevens,	" 1213

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs,  
1 enclosure.

Acting Chairman/

COPY,

M.C.R. 1100

Muskogee, Indian Territory, August 6, 1902.

Isaiah B. Hickman,  
Lehigh, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaiah B. Hickman, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaiah B. Hickman, et al.,	M.C.R. 1100
Michael B. Hickman,	" 1212
Willie Hickman Stevens,	" 1213

These applications were made under the provision of the Act of Congress of June 22, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

100-2

Isiah B. Hickman, John B. Hickman, George Hickman, Bert C. Hickman, Anna A. Hickman, Mattie Irene Hickman, Michael B. Hickman and Willie Hickman Stevens as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identify himself as a Mississippi Cherokee by marriage, and that the application made by Isiah B. Hickman for the identification of his wife, Anna George Hickman, as an intermarried Mississippi Cherokee, should, therefore, be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tamr Dixby.*

Acting Chairman.

Registered.

Land,  
47, 187-1902.

-:- C O P Y -:-

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application of Isaiah B. Hickman, for himself and his five minor children, John R., Horace, Burt S., Arva A. and Mattie Irene Hickman; by Michael B. Hickman for himself; by Willie Hickman Stevens for herself; and by Isaiah B. Hickman for the identification of his wife, Cora Rhyne Hickman, as an inter-married Mississippi Choctaw. They are all applicants for identification as Mississippi Choctaws.

On August 6, 1902, the Commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

An examination of the record evidence shows that the applicants are not full blood and further shows that they are the descendants of Isaiah B. Hickman and through him of A. Hickman's wife, Delight Krebs, through whom they claim.

-:- 3 -:-

The office records have been examined and nowhere show that any person by the name of Delight Krebs ever complied with the provisions of the 14th article of said treaty or received a patent for land thereunder.

The record evidence in no way supports the claims of the applicants and the office therefore considers that the decision of the Commission herein should be affirmed, and so recommends to the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)

P.



--:-- COPY --:--

D.C. 3961

J.W.H.

I.T.D. 370-1903.

EAF.

L.R.B.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 6, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Isaiah B. Hickman and his minor children, John R., Horace, Burt S., Arva A. and Mattie Irene Hickman; of Michael B. Hickman, and of Willie Hickman Stevens. Isaiah B. Hickman also applies for identification of his wife, Cora Rhyne Hickman, as an intermarried Mississippi Choctaw.

Isaiah B. Hickman alleges that he is an ~~ancestral~~ Choctaw and the son of Nathaniel S. Hickman, who derived his Choctaw blood from his mother, Delight Hickman (nee Krebs), who is alleged to have been a one-half blood Choctaw Indian residing in Mississippi in 1830. Michael B. Hickman and Willie Hickman Stevens are the children of Isaiah B. Hickman.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Delight Hickman, or a less remote ancestor of the



-1- 3 -1-

applicants, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the act of March 3, 1837 (5 Stat., 130), and August 23, 1842 (5 Stat., 513).

You refused the applications August 6, 1902.

Forwarding the papers January 14, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully considered the entire record and hereby affirms your decision.

Respectfully

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M.O.R. 1100.

COPY.

Muskegee, Indian Territory, February 21, 1903.

Isiah B. Hickman,

Lehigh, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isiah B. Hickman, et al., of which decision you were advised by registered mail on the 6th day of August, 1902.

Respectfully,

SIGNED:

Tamr Bixby  
Chairman.

M.O.A. 1100.

COPY

Muskegee, Indian Territory, February 21, 1903.

Manafield, McMurray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaiah B. Hickman, et al., of which decision you were advised by mail on the 6th day of August, 1902.

Respectfully,

(SIGNED),

*Tame Dixby*

COMMISSIONER

NO 2 1190, Isaiah B. Hickman  
et al

2790-1901 Isaiah B. Hickman  
Lehigh, I.T.

The records of this office show that on December 10, 1900, Isaiah B. Hickman appeared before the Commission at Atoka, I.T. and applied for identification as Mississippi Choctaws for himself and five children, and for his wife as an intermarried Mississippi Choctaw. At the time his testimony is given, it is stated by Mr. Bixby that the case will be held open one day for him to offer additional testimony, and this letter appears dated December 11, 1901. We have filed the marriage certificate between I.B. Hickman and Cora Rhyme, and the affidavit of W.W. Serrell, but have not acknowledged receipt of the same, for the reason that other matters are taken up in his letter. No action has been taken in his case, and no judgment written, in case it is desired to hold his case open for the additional testimony which he asks to offer.

February 28, 1901. Atoka, I.T.

AB

No. 1100

For Identification as a Mississippi Choctaw.

Date DEC 10 1900

Name Isiah B. Hickman.

Age 51 Blood  $\frac{1}{8}$

Post Office, Lehigh, A. T.

Father: Nathaniel S. Hickman - dead

Mother: Mary Hickman - dead

Claims through Father

WIFE:

Cora Hickman - ✓

Michael Ryan - dead - FATHER

Martha " - ✓ - MOTHER

Children:

John R. Hickman 20.

Horace " " 18.

Burt S. " " 16.

Harvey G. " " 14

Matthie J. " " 10

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 10 1900

ACTING CHAIRMAN.

Stenographer: Anna Bell.

One copy of testimony  
of Isaac B. Hickman  
furnished, J. M. Lewis,  
Muskogee.  
J. D.

Nov. 23, 1901

**REFUSED**

DECISION RENDERED.

AUG -8 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 6 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 6 1902

RECORD FORWARDED DEPARTMENT.

AUG 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 6 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

FEB 21 1903

REFER TO M.C. R. 1212, 1213



Choc mcr 110~~1~~ Alverta King

see mcr 1102

mcr 110~~1~~

17

*Overington et al*  
**REFUSED.**

**DECISION RENDERED JUL 14 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 14 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 14 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 14 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR:**

**AUG 14 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**AUG 22 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**AUG 22 1902**

**REFER TO M. C. R. 1102**

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. December 17, 1900.

In the matter of the application of Alberta King for the identification of herself and one minor child, John King, as Mississippi Choctaws.

Alberta King, being sworn by Acting Chairman Bixby, was examined by the Commission and testified as follows:

Q What is your name? A Alberta King.

Q What is your age? A About fifty-nine.

Q What is your post office address? A Benton Mississippi.

Q What is your father's name? A They told me his name was John.

Q John King? A No, sir; I don't know what it was; this is my husband's name I got by King. My father was John; that is all I know about him at this time.

Q You don't know anything about his surname? A No, sir.

Q Is he a Choctaw Indian? A Yes, sir.

Q Was your mother a Choctaw Indian? A Yes, sir.

Q Do you know what your mother's name was? A Ailsie Delaney.

Q Now, your mother and father were both Choctaw Indians, were they? A Yes, sir.

Q How much Choctaw Blood have you? A I must be whole, I suppose.

Q Were your mother and father both full blood Choctaws? A I don't know about my mother being whole. She was a quarter, I think.

Q Then what are you? A Well, that would make me about a quarter Choctaw and a half.

Q Are you making your application as a beneficiary under the 14th article of the treaty of 1830? A Yes, sir.

Q Do you know what that is? A No, sir.

Q The treaty of 1830 was made between the United States and the Choctaw Indians in Mississippi, and provided for the removal of the Indians in Mississippi to the Indian Territory, but it was agreed between the United States and the Choctaw Indians in Mississippi that these Indians who wanted to remain in Mississippi could do so upon signifying to the United States Indian Agent, within six months after the ratification of that treaty, their intention, and after living here in Mississippi five years they were given a tract of land. These Indians who took advantage of this were not precluded from removing to the Indian territory and becoming citizens of the Choctaw Tribe there except in regard to annuities. They could not have any money interest in the Choctaw tribal funds. Now, you claim you are a descendant of a Choctaw Indian who has always lived in Mississippi? A Yes, sir.

Q Now, what was the name of your ancestor, that is your father or mother's father, or mother, living in 1830?--Was your mother living in 1830? A I don't know about that / I was only seven years old when she died.

Q About how old was she when she died? A I don't know sir.

Q Did she live in Mississippi? A Yes, sir.

Q Did she die in Mississippi? A Yes, sir.

Q Do you know what her father's name was? A No, sir.

Q Do you know what her mother's name was? A No, sir.

Q Do you know anything about your father's people? A No, sir; I don't know nothing about them.

Alberta King, et al-----2.

Q Have they always lived in Mississippi? A As far as I know they did.

Q How far back do you know anything about them? A Not very far. I didn't know my father.

Q How far back do you know about your mother's people? A I don't know nothing about my mother's people. she came to Mississippi by herself.

Q Where from? A From Virginia.

Q From Virginia? A Yes, sir.

Q Do you know when she came from Virginia? A No, sir.

Q You stated you died when your mother was seven years old do you know how old she was when she died? A I think she looked to be about forty as well as I can remember. I have heard I was about the oldest child.

Q Did any of your ancestors ever signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification of the treaty of 1830? A I don't know, sir.

Q Did any of your ancestors ever receive or claim from the United States and lands in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, sir; I reckon not.

Q You have always lived in the State of Mississippi, have you? A Yes, sir.

Q You never lived anywhere else? A No, sir; I stayed a small while in Georgia.

Q Are you married? A Yes, sir.

Q Is your husband living? A Yes, sir.

Q What is his name? A Frank King.

Q What is he a white man? A No, he is a black man.

Q He is not an Indian, is he? A No, sir.

Q You are not making any claim for him? A No, sir.

Q Have you any negro blood? A No, sir; I don't think I have I haven't any that I know of at all.

Q Were any of your people ever slaves, your father or mother. A My mother was, yes, sir.

Q Was she a slave of a Choctaw Indian? A No, sir; a slave of these white folks.

Q Have you any children under twenty-one years of age and unmarried? A Yes, sir; I have one.

Q What is the name and age of that child? A The name is John King.

Q How old is he? A He is about eighteen, I think.

Q Does he live with you? A Yes, sir.

Q He has always lived in Mississippi? A Yes, sir.

Q You are the mother of John King? A Yes, sir.

Q Is Frank King the father? A Yes, sir.

Q Now, is there any additional statement you want to make in support of your application or the application you make on behalf of your minor child? A I don't know.

Q Is there anything you desire to say with reference to the matter as to whether you or your ancestors ever complied with the treaty of 1830? A Well, now, you know I don't know.

Q Have you any written evidence or documentary evidence showing your ancestors were Choctaw Indians in Mississippi in 1830? A I don't know what you mean hardly.

Q Have you any writing or any papers showing that your people were Choctaw Indians in 1830? A I know I was admitted by the Choctaw race.

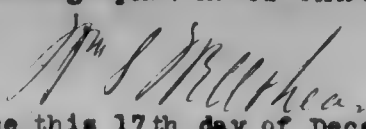
Alberta King et al----3.

Q Now, tht is what we want to know, what evidence you have shwoi ng that you were a chootaw Indian. A I would like to put some of that in.

BY THE COMMISSION: Permission is here granted the applicart to file written evidence in support of this application, provided the same is offered for filing within fifteen days from the date hereof.

The decision of the Commission as to your application and the application you mai e on behalf of your child for identification as Mississippi Chootaws will be mailed to you in writing at your present post office address.

The Undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application for identification at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

  
Subscribed and sworn to before me this 17th day of December  
A. D. 1900.

  
Acting Chairman.

**DEPARTMENT OF THE INTERIOR**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES**

In the matter of the application of Alverta King et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of:

Alverta King et al.,     M.C.R. 1101  
Lizzie Allen et al.,     M.C.R. 1102.

.....

List of papers forwarded to the Secretary of the Interior,  
comprising report in the consolidated case of Alverta King et al.

(Page)

Original application of Alverta King et al. before the Dawes Commission for identification as Mississippi Choctaws .....	1
Affidavit of Lizzie L. Allen .....	2
Affidavit of Mrs. M.A. Noel .....	3
Affidavit of Alverta King and A.H. Courts .....	4
Original application of Lizzie Allen et al. before the Dawes Commission for identification as Mississippi Choctaws .....	7
Affidavit of Lizzie L. Allen .....	8
Affidavit of Mrs. M.A. Noel .....	10
Decision of the Commission denying the consolidated application of Alverta King et al. for identification as Mississippi Choctaws .....	11

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Amn  
C. & W*

In the matter of the application of Alverta King et al.,  
for identification as Mississippi Choctaws, consolidating  
the applications of:

Alverta King et al.,	M.C.R. 1101
Lizzie Allen et al.,	M.C.R. 1102

.....

1- DECISION -1

....

It appears from the record herein that applications for  
identification of the Mississippi Choctaws were made to this  
Commission by Alverta King for herself and her minor child, John  
King; and by Lizzie Allen for herself and her minor child, Albert  
Lyddel, under the following provision of the act of Congress,  
approved June 28, 1876, (30 Stats. 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses and perform all other  
acts necessary thereto and make report to the Secretary of the  
Interior."

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between



the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Ailsie Delaney, alleged to have been a quarter-blood Choctaw Indian, and of one Indian (or Choctaw) John, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in 1830.

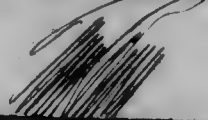

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 821).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830, and to persons who heretofore were claimants thereunder, that Ailsie Delaney, or Indian (or Choctaw) John, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency,

an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress, approved March 3, 1837, (5 Stats. 180 ) and August 23, 1848 (5 Stats. 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alveta King, John King, Lizzie Allen and Albert Lyddel as Choctaw Indians, entitled to rights in Choctaw lands, under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
\_\_\_\_\_  
A. G. Smith  
  
\_\_\_\_\_  
T. R. Perkins  
Commissioners

Muskogee, Indian Territory

JUL 14 1902

COPY.

H.C.R. 1101.

Waskagee, Indian Territory, July 14, 1902.

Alverta King,

Benton, Mississippi.

Dear Madam:

You are hereby advised that on the 14th, day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alverta King, et al., embracing the following applications as Mississippi Cheetaws:

Alverta King et al.,	H.C.R. 1101
Lissie Allen et al.,	H.C.R. 1102

These applications were made under the provisions of the act of Congress of June 20, 1900 (30 Stats., 403), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alverta King, John King, Lissie Allen and Albert Lyddel as Cheetaw Indians, entitled to rights in Cheetaw lands, under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed as due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered,

*Dirby*  
Acting Chairman

COPY.

M.C.R. 1101.

Muskogee, Indian Territory, July 14, 1902.

Mansfield, McHarvey & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alverta King, et al., embracing the following applications for identification as Mississippi Choctaws:

Alverta King, et al.,	M.C.R. 1101
Lizzie Allen, et al.,	M.C.R. 1102

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alverta King, John King, Lizzie Allen and Albert Lyddell as Choctaw Indians, entitled to rights in Choctaw lands, under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman

COPY.

Mustoge, Indian Territory, July 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alverta King, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Alverta King, et al.,	M.C.R. 1101
Lissie Allen, et al.,	M.C.R. 1102

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Through the Commissioner  
of Indian Affairs.  
1 enclosure.

Acting Chairman.



Land  
42354--1902.

--C O P Y--

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,  
Washington, Aug. 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on July 14, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the applications of Alverta King for herself and her minor child John King, and of Lizzie Allen for herself and her minor child Lyddal Allen, for identification as Mississippi Choctaws.

The record shows that Alverta King, the principal applicant, was 60 years of age at the time of her application, and that she knew nothing concerning the family of her father or mother further than that her mother's name was Ailsie Delaney or Dulaney of part Negro and Indian blood, who was a slave, and that her father's name was John, a Choctaw Indian.

The records of this office fail to show that Ailsie Delaney received or attempted to secure the benefits of the 14th article of the treaty of September 27, 1830.

Six different persons named John appear as claimants under said 14th article. It is possible that this office might

trace the relationship of the applicants to one of these persons but for the fact that the applicants know nothing concerning their family history. It seems therefore that it would be useless to remand this case for further examination, and it is therefore respectfully recommended that the Commission's decision be affirmed.

Very respectfully,  
Your obedient servant,

(Signed) A. C. Tonner,

Acting Commissioner.

W.C.V.(S)

D.C. 13395-1902.

48636

J.W.H.

DEPARTMENT OF THE INTERIOR,

THE

WASHINGTON.

August 14, 1902.

I.T.D. 4704-1902.

File 896-98.

L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 14, 1902, you transmitted the record in the consolidated case (M.C.R. 1101), embracing the applications for identification as Mississippi Choctaws of Alverta King for herself and her minor child, John King, and of Lizzie Allen for herself and her minor child Lyddal Allen, together with your decision of July 14, 1902, refusing to enroll the applicants.

The principal applicant attempts to trace her descent through her father, known as "Choctaw John", an alleged full blood Choctaw. Her mother, Ailsie Delaney, was a slave. The other applicants are the children and grand children of the aforesaid Alverta King.

The affidavit of Mrs. M.A. Noel is the best evidence which the record contains. She states that she has known Alverta King all her life; that the latter was born in 1839, on the plantation of Dr. B. W. Sanders, in Holmes County, Mississippi; that Alverta's father was a Choctaw Indian, called by the name of "Choctaw John," whose home was in one of the eastern or central counties

of Mississippi. The affiant further states: "As I understood it, Alverta's father, John, was one of the Choctaw Indians who decided to remain in Mississippi, after the others went away under the treaty."

It appears from the records in the Indian Office, that six different persons of the name of John, complied with the provisions of article fourteen of the Treaty of 1830. There is nothing however, in the testimony, which shows that the aforesaid "Choctaw John" ever owned land in Mississippi, or that he was identical with any one of the six persons above referred to.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation or that the alleged ancestors above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision August 2, 1902, recommend that the same be approved.

The Department upon careful review of the whole case, approves your action, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

DeL

COPY.

M.C.R. 1101.

Muskogee, Indian Territory, August 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alverta King, et al., of which decision you were advised by mail on the 14th day of July, 1902.

Yours truly,

(SIGNED)

James H. Hogg.

Acting Chairman.

COPY.

M.C.R.1101.

Muskogee, Indian Territory, August 22, 1902.

Alverta King,

Nenton, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alverta King, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

(SIGNED).

Samuel D. May.

Acting Chairman.

SECTION R. 1101

Alberta King etc

Consolidated Case



John full  
Elsie 1/4 slave

mlb  
1101

Alberta King 59 -  
husband  
Frank King negro

mlb  
1102

Lizzie King 29 1/2  
married  
1st Capio Lyddell 21st  
2nd James Allen

mlb  
1102

Alberta Lyddell 12

mlb  
1101

John King 18

Muskogee, Indian Territory, January 8, 1901.

Alberta King,

Benton, Mississippi,

Dear Madam:

The Commission is in receipt of affidavit of Alberta King, in support of your application for identification as a Mississippi Cheetaw, and the same being in proper form, has been duly filed with the records in your case.

Yours truly,

AB

No. **1101**

For Identification as a Mississippi Choctaw.

Date **DEC 17 1900**

Name **Alberta King**

Age **59** Blood **Ch.**

Post Office, **Benton, Miss.**

Father: **John.**

Mother: **Cissie McManey.**

Claims through **Cotton**

Husband:

**Frank King -**  
**(No claim for Husband).**

Children:

**Johnnie King. 18.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**DEC 17 1900**



ACTING CHAIRMAN.

Stenographer:

**W. L. Bell.**

Choc mcr 1102 Lizzie Allen

see mcr 1101

mcr 1102

*Lizzie Allen et al*

REFUSED.

DECISION RENDERED. JUL 14 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 14 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 14 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 14 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

AUG 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

AUG 22 1902

REFER TO M. C. R. 1101

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. December 17th, 1900.

In the matter of the application of Lizzie Allen for the identification of herself and her minor child Albert Lyddel as Mississippi Choctaws.

The said Lizzie Allen being sworn by Acting Chairman Pixby, was examined by the Commission and testified as follows:

Q What is your name? A Lizzie Allen.

Q How old are you? A Twenty-nine.

Q What is your post office address? A Yazoo City, Mississippi.

Q Are you a resident of the State of Mississippi? A Yes, sir.

Q How long have you lived here? A All my life.

Q Did you ever live anywhere else? A Only for a short while, just a few years. I was naturally born and raised here.

Q What is your father's name? A Frank King.

Q Is he living? A Yes, sir.

Q What is your mother's name? A Alberta King.

Q Is your mother living? A Yes, sir.

Q Through which one of your parents do you claim your Choctaw blood? A My mother.

Q How much Choctaw blood have you? A Well, about one-fourth.

Q Are you making application for identification as a Mississippi Choctaw? A Yes, sir.

Q You are claiming under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Do you know the name of your ancestor who was a member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaws? A Only my grandfather. I knew that his name was John. I only know of my grand father by the name of John. They called him Ind an John.

Q Do you know whether he signified to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain and become a citizen of the United States within six months after the ratification of the treaty of 1830? A No, sir.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No, sir; I think not, from what I have heard.

Q Has your mother always been a resident of the State of Mississippi? A Yes, sir.

Q Was she born here in Mississippi? A Yes, sir; born in Mississippi.

Q You don't know anything about her parents? A No, sir. I didn't know her parents.

Q Were they living in Mississippi when she was born? A Yes, sir; that is what I learn.

Q Do you know how long before that they lived here? A No, sir; I couldn't say definitely.

Q Do you know anything about your ancestors residence in Mississippi in 1830? A No, sir; I don't know anything about their residence.

Q Are you married? A Yes, sir.

Q What is your husband's name? A James Allen.

Q What is he a white man? A No, sir; he is a negro.

Q You are not making any claim for him, are you? A No, sir.

Q Were either of your parents ever slaves? A My father was.  
 Q He was a negro? A Yes, sir.  
 Q Have you any children? A Yes, sir.  
 Q How many? A One.  
 Q What is the child's name? A Alberta Lyddel.  
 Q Have you been married twice? A Yes, sir.  
 Q How old is she? A Twelve.  
 Q What is her father's name? A Scipio Lyddel.  
 Q Is he living? A No, sir; he is dead.  
 Q This child lives with you at your home? A Yes, sir.  
 Q It has always had the same residence you have? A Yes, sir.  
 Q You want to make application for the identification of your child? A Yes, sir.  
 Q Is there any additional statement you desire to make in support of your application and the application you make on behalf of your child? A Well, as it is only that I am a quarter, I want to say if it extends to her of course I would like to have whatever can be done for her, I would like for it to be given her.  
 Q Is there any written evidence you desire to submit to the Commission for consideration in support of this application? A No, sir, not only but what I will have to send in for my mother. I only claim by being an Indian through her.  
 Q You understand what written evidence you offer must be separate. You may send the affidavits of the same people in support of the claim of yourself and your mother, but they must be separate papers. Permission is granted the application to file written evidence in support of this application, provided the same is offered for filing within fifteen days from the date hereof.  
 BY THE COMMISSION: The decision of the Commission as to the application you make on behalf of yourself and your minor child will be mailed to you in writing at your present post office address.

----- 0 -----

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the foregoing application for identification at the time and place abovementioned, and that the foregoing is a true, complete and correct transcript of his stenographic notes thereof.

*Wm. S. McWhorter*

Subscribed and sworn to before me this 17th day of December A. D. 1900.

*[Signature]*

Acting Chairman.



COPY.

M.C.R. 1102.

Muskogee, Indian Territory, July 14, 1902.

Lissie Allen,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 14th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alverta King, et al., embracing the following applications for identification as Mississippi Choctaws:

Alverta King, et al.,	M.C.R. 1101
Lissie Allen, et al.,	M.C.R. 1102

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alverta King, John King, Lissie Allen and Albert Lyddell as Choctaw Indians, entitled to rights in Choctaw lands, under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

W. L. Dwyer,  
Acting Chairman.

Registered,

Muskogee, Indian Territory, August 22, 1902.

Lizzie Allen,

Yazoo City, Mississippi.

Dear Madam:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alverta King, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

## For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Lizzie Allen.

Age 27. Blood 1/4.

Post Office, Gayles Springs, Ark.

Father: Othaniel King ✓

Mother: Albert C. King - ✓

Claims through mother.

## HUSBAND:

James Allen - ✓  
(No claim for husband).

## Children:

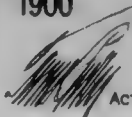
Alberta Lyddell. 12.

FATHER: Scipio Lyddell. dead.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 17 1900



ACTING CHAIRMAN.

Stenographer:

Wellshear.

Choc mcr 1103 Isom Johnston

mcr 1103

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Isham Johnston, et al.,  
for identification as Mississippi Choctaws, M. C. R. 1103.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Isham Johnston, et al.,  
for identification as Mississippi Choctaws, M. C. R. 1103.

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TR 1103.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTISBURG? MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application for identification as Mississippi Choctaws of Isham Johnson on his own behalf and on behalf of his wife and minor children.

Isham Johnson, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by Commission.

- Q What is your name? A Isham Johnson.  
Q How old are you? A About 43 now.  
Q What is your post office address? A Hickory.  
Q Mississippi? A Yes sir.  
Q How long have you lived in Mississippi? A A long time, since I was born.  
Q Born here? A Yes sir.  
Q Never lived anywhere else? A No sir.  
✓ Q What is your father's name? A Isaac Billy.  
Q Is he living? A Yes sir.  
✓ Q What is your mother's name? A Nancy Billy.  
Q Is she dead? A Yes, dead a long time.  
✓ Q Through which one of your parents do you get your Choctaw blood?  
✓ A Both of them. A Yes.  
✓ Q They are both full bloods? A Yes.  
✓ Q You are a full blood? A Yes.  
Q Is your wife a full blood Indian? A Yes.  
Q What is her name? A Annie.  
✓ Q Annie Johnson? A Yes sir.  
✓ Q What is her father's name? A Joh Parker.  
✓ Q Is he a full blood Indian? A Yes sir.  
✓ Q What is your wife's mother's name? A I done forgot it.  
Q Was she a full blood? A yes sir, full blood, died here.  
Q Is your wife's father living? A Yes sir.  
Q How many children have you under twenty one years of age and unmarried? A Four, one of them dead.  
Q What are the names and ages of your children?  
A Jessie Johnson.  
Q How old is she? A She is about 17.  
Q What is the name of the next one? A Peter Johnson.  
Q How old is Peter? A About 15.  
Q What is the next one? A Lemma Johnson.  
Q How old is she? A About 11 now.  
Q Have you any more children? A Nettie Thomas.  
Q What relation is she to you? A She is a step child.  
Q That is your wife's child? A Yes.  
Q Who is the mother of these three children, Jessie, Peter and Lemma? A Emma, dead a long time ago.  
✓ Q Was she a full blood Indian? A Yes.  
✓ Q Your present wife, she is about 22 is she? A About 21 I believe.  
Q This child, Nettie Thomas is her child? A Yes.  
✓ Q How old is she? A About two years now; she is dead.  
✓ Q Who was the father of this child? A Charley Thomas.  
Q Is Charley Thomas dead? A No, he aint dead.  
Q Is he a full blood Indian? A Yes.  
Q You are making application for the identification of yourself, your wife and your three children as Mississippi Choctaws? A Yes sir

- Q What was the name of your ancestor who was a Choctaw Indian in 1830 at the time the treaty was entered into between the United States and the Choctaws? Do you know? A No.
- Q What do you say your father's Indian name was? (No answer)
- Q What was your father's father's name? A Okalehotubbee.
- Q Okalehotubbee was your father's father? A Yes sir.
- Q What was your mother's mother's name? A Coahoma.
- Q What was your grandmother's name? A Flahhotemaha.
- Q What was your wife's father's name? A My wife's father? Parker.
- Q Did they ever have any Indian name? A Fabak.
- Q Did any of your ancestors ever signify to the United States Indian Agent to the Choctaw Indians in Mississippi in 1830 their intention to remain in Mississippi and become citizens of the United States at the time the remaining members of the Choctaw tribe moved to the Indian Territory? A Who me?
- Q Yes, any of your ancestors. Did any of your ancestors ever remove from Mississippi to the Indian Territory? A Yes, my father went there.
- Q Went to the Indian Territory? A Yes.
- Q When? A A long time ago.
- Q About how long? A Before I was born.
- Q Did they go there at the time the rest of the Choctaw Indians went out to the Indian Territory? A Yes.
- Q About what year was it do you know, that your father went there? A I don't know.
- Q Did he take his family with him? A Yes.
- Q All of them moved out to the Indian Territory? A Yes.
- Q Was that when all the rest of the Indians went? A My father went by himself and after a while some man came after us.
- Q Your father went out there first and after he had been out there for a year or so he sent somebody back after the rest of you? A Yes
- Q Do you know exactly when that was? A No.
- Q About when? A My father told me about it.
- Q Was that at the time the rest of the Indians moved from Mississippi to the Indian Territory? A Left here.
- Q Yes. Went out there when the tribe moved out there did he? A Yes sir.
- Q That was right after the treaty was made in 1830 after the Dancing Rabbit Creek treaty? Do you know that treaty? A Not much.
- Q You know when that treaty was made, don't you? A Yes sir.
- Q Was it after that treaty was made that your father went out there with the rest of the Indians? A Yes.
- Q And then came back and got his family? A Yes sir.
- Q How long did he stay out there before he came back. A I don't know he just tell me about it.
- Q You were born in Mississippi were you not? A Yes sir.
- Q Do you know how long your father had been living in Mississippi when you were born? A I don't know; I was born in Newton County.
- Q Now, about your mother's people? Did they move to the Indian Territory? A I don't know; they tell me about it.
- Q Do you know whether your mother was ever in Indian Territory? A My mother?
- Q Yes? A She went when the man come out.
- Q Your father and mother were married then and living together as man and wife when this treaty of 1830 was made? A I don't know. They were not married; Flahote, my sister--
- Q You don't know whether your wife's people went to the Indian Territory with the rest of the Choctaws or not? A Who?
- Q Your wife's people. Did they go to the Indian Territory with the rest of the Choctaw Indians in 1830 to 35? Did they move out?
- A No, I don't know about that.

- Q Did your father or your mother or grandfather or grandmother, or any of your people or any of your wife's people ever signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain there and become citizens of the United States after the conclusion of the treaty of 1830? A I don't know much about that.
- Q Did any of your ancestors ever receive or claim any lands in Mississippi under the 14th article of the treaty of 1830? A I don't know about that; some of them got land in Mississippi.
- Q They got land from the government, some of them? A Some of them got it.
- Q Do you know which one of your people got land from the government? A Courcher did.
- Q What relation is he to you? A None.
- Q Did any of your people, your father or any of them receive any land? A I don't know much about the treaty of 1830?
- Q Did any of ~~your people, your father or any of them~~ receive any land? A Yes.
- Q Who was it? A Solomon got one.
- Q Solomon who? Did any of your people, your father or your grandfather or your wife's father or grandfather ever receive any land in grant from the government here in Mississippi? A I don't know.
- Q You don't know whether they did or not? A No.
- Q Tell me all you know about your father and your grandfather or your people or your wife's people, as far back as you remember, about their going to the Indian Territory and coming back here? A I believe my wife's father-- he didn't go, I believe.
- Q What was your wife's father's name? Parker? A Yes sir.
- Q Did he have any ~~name~~ Indian name? A Pabak.
- Q Do you know your wife's mother's name, her maiden name? A I done forgot it, it's been a long time.
- Q Some of them know you around here? A It was Betsy.
- Q Is there any additional statement you desire to make? A What?
- Q Is there anything more that you want to say? A No.

By the Commission:

This applicant is the same person who applied to the Commission for the identification of himself and family at Decatur, Mississippi, February 6, 1899; in his testimony at that time he stated that he was 42 years of age, and a full blood Choctaw, and that his wife was a full blood Choctaw named Annie, about 20 years of age; that he had been twice married, and his first wife dead; that he has three children, Jessie, Peter and Lama, and his present wife has a child by another man, named Nettie Thomas, about one year of age; the names of these parties appear upon Mississippi Choctaw Card Field Number 346, and on the schedule of the Commission's report of March 10, 1899, page 81, Number 1225 to 1230 inclusive.

- Q Is there any written evidence that you desire to submit to the Commission for consideration showing the residence of your ancestors in Mississippi or their compliance with the provisions of the 14th article of the treaty of 1830? A I don't know about that time.

The decision of the Commission as to your application and the application you make on behalf of your wife and children for identification as Mississippi Choctaws will be mailed to you in writing to your present post office address.

Note: The applicant is to all appearance a full blood Choctaw Indian and speaks but little English.

Anna Bell, having been first duly sworn, on her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct ~~copy~~ transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 18th day of December, 1900.



Acting Chairman.

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.**

---

*IN RE*

Application for Enrollment of

INFANT CHILD

*Myra Frances Johnson.*  
as a citizen of

MISSISSIPPI CHOCTAW. Nation.

Approved, 190  
**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.**  
*Commissioner.*

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This application for the enrollment of this child is accepted by the Commission as evidence of its birth to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws and not in any manner to be considered as an application for the enrollment of this child as a citizen of the Choctaw Nation.

  
Acting Chairman.

MISSISSIPPI CHOCTAW.

+ ~~111~~ 1103

*Recd.*  
*April, 30, 1901*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Myra Frances Johnson, born on the 5th day of April, 1901.  
(Here insert name of child)  
Name of Father: Isham Johnson, a citizen of the Choctaw Nation.  
Name of Mother: Annie Johnson, a citizen of the Choctaw Nation.  
Post-office, Nickory, Miss

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

District.

State of Mississippi  
Lauderdale County

I, Annie Johnson, on oath state that I am 22  
years of age and a citizen, by blood, of the Choctaw Nation;  
that I am the lawful wife of Isham Johnson, who is a citizen, by  
blood, of the Choctaw Nation, that a female child was  
born to me on the 5th day of April, 1901; that said child has been  
named Myra Frances Johnson, and is now living.

WITNESSES TO MARK

(Must be Two)  
Witnesses

Annie Johnson  
W. O. Beall  
W. S. Allen

Subscribed and sworn to before me this 30th day of April, 1901.

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY.

District.

State of Mississippi  
Lauderdale County

I, Isham Johnson, on oath state that I  
am the husband of Annie Johnson, wife of Isham Johnson, and that  
attended on Mrs. Annie Johnson on the 5th day of April, 1901; that there was born to her on  
said date a female child; that said child is now living and is said to have been  
named Myra Frances Johnson.

WITNESSES TO MARK:

(Must be Two)  
WitnessesIsham JohnsonSubscribed and sworn to before me this 30th day of April, 1901.

NOTARY PUBLIC.

MCR 1103

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, October 10, 1901.

In the matter of the death of Annie Johnston, Mississippi Choctaw card, Field No. 346, M.C.R. 1103:

Ishan Johnston, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Isham Johnston.  
Q What is your age? A Forty four.  
Q What is your post office address? A Hickory, Newton county, Mississippi.  
Q Have you any Choctaw blood? A Yes.  
Q How much? A Full blood.  
Q Did you appear before this Commission at Decatur, Mississippi, on February 8, 1899, and make application for the identification of yourself, your wife and four minor children as Mississippi Choctaws? A Yes.  
Q Did you also appear before the Commission at Hattiesburg during December, 1900, and make application for identification of yourself and family as Mississippi Choctaws? A Yes.  
Q Is your wife living? A Dead.  
Q What was her name? A Annie Johnston.  
Q When did she die? A September 21.  
Q This year? A This year, 1901.  
Q Where? A East end, Meridian, Mississippi.  
Q You were present at her death? A Yes sir.  
Q Where was she buried? A Above Hickory at Church graveyard.  
Q Were you present at her funeral? A Yes.  
Q About how old was she at the time of her death? A About twenty two.  
Q What was her father's name? A John Parker.  
Q What was her mother's name? A Betsie.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of October, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date. *H.C. Risteen*  
Subscribed and sworn to before me this the 23rd day of October, 1901, at Decatur, Mississippi.

*L.B. Moseley*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, January 18, 1902.

In the matter of the death of Myra Frances Johnson, whose name appears upon Mississippi Choctaw Card, R-1103, and Number 346.

Isham Johnson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Isham Johnson.  
Q How old are you? A Forty five.  
Q What is your post office address? A Hickory, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q Are you married? A Yes.  
Q Is your wife living? A No.  
Q What was your last wife's name? A Annie.  
Q Have you any children living? A Yes, Jesse, Peter and Lema.  
Q Did you appear before the Commission at Hattiesburg, Mississippi, during December 1900, and make application for the identification of yourself and family as Mississippi Choctaws? A Yes.  
Q Did you also appear before the Commission in 1899 at Decatur, Mississippi? A Yes.  
Q Did you ever have a child by the name of Myra Frances Johnson in your family? A Yes.  
Q When was Myra Frances born? A Five days in April, 1901.  
Q Is she living now? A No.  
Q When did she die? A Fourth day of November.  
Q 1901? A Yes.  
Q Were you present when she died? A No.  
Q Where did she die? A At Home.  
Q Were you present at her burial? A Yes.  
Q Where is she buried? A In the neighborhood Church near Hickory.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of January, 1902, and that the above is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 23rd day of January, 1902.

*L. B. Maxwell*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By

*J. M. Ma*  
Deputy.

MBR 1103

IN RE  
THE DEATH OF

— 'a citizen of the

— Nation.

Approved — 190 —

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

AUG 6 1902

  
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Peter Johnson  
(Here insert name of deceased.)  
a citizen of the Mississippi Choctaw Nation, who formerly resided at or near  
Hickory Miss, Ind. Ter., and died on the 21 day of  
(Here insert name of postoffice.)  
March, 1902.

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,  
State of Mississippi District.

I, Isham Johnson, on oath state that I am 45  
years of age and a citizen, by Blood, of the Miss Choctaw Nation;  
that my post office address is Hickory Miss, Ind. Ter.; that I am  
(Here insert name of post office.)  
The Father of Peter Johnson,  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by Blood, of the Mississippi Choctaw Nation;  
and that said Peter Johnson died on the 21 day of  
(Here insert name of deceased.)  
March, 1902. Isham Johnson

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

D.M. Gallagher  
J.L. Bolton

Subscribed and sworn to before me this 2 day of August 1902

J.W. Cross  
Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,  
State of Miss District.

I, Jack Poston, on oath state that I am 38  
years of age, and a citizen, by Blood, of the Miss Choctaw Nation;  
that my post office address is Hickory Miss, Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with Peter Johnson,  
(Here insert name of deceased.)  
who was a citizen, by Blood, of the Miss Choctaw Nation;  
and that said Peter Johnson died on the 21 day of  
(Here insert name of deceased.)  
March, 1902. Jack Poston

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

D.M. Gallagher  
J.L. Bolton

Subscribed and sworn to before me this 2 day of August 1902

J.W. Cross  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Peter Johnson  
(Here insert name of deceased.)  
a citizen of the Mississippi Choctaw Nation, who formerly resided at or near  
Hickory Miss, Ind. Ter., and died on the 21 day of  
March, 1902.  
(Here insert name of post office.)

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY,  
State of Mississippi District. }

I, Isham Johnson, on oath state that I am 45  
years of age and a citizen, by Blood, of the Miss Choctaw Nation;  
that my post office address is Hickory Miss, Ind. Ter.; that I am  
The Father of Peter Johnson  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by Blood, of the Mississippi Choctaw Nation;  
and that said Peter Johnson died on the 21 day of  
March, 1902.  
(Here insert name of deceased.) Isham Johnson

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

D.M. Gallagher  
J.L. Bolton

Subscribed and sworn to before me this 2 day of August 1902

J.W. Cross  
Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY,  
State of Miss District. }

I, Jack Poston, on oath state that I am 38  
years of age, and a citizen, by Blood, of the Miss Choctaw Nation;  
that my post office address is Hickory Miss, Ind. Ter.;  
that I was personally acquainted with Peter Johnson  
(Here insert name of deceased.)  
who was a citizen, by Blood, of the Miss Choctaw Nation;  
and that said Peter Johnson died on the 21 day of  
March, 1902.  
(Here insert name of deceased.) Jack Poston

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

D.M. Gallagher  
J.L. Bolton

Subscribed and sworn to before me this 2 day of August 1902

J.W. Cross  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Isham Johnston, et al., for identification as Mississippi Choctaws, M.C.R. 1103.

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 17, 1900, by Isham Johnston for himself, his wife Annie, and his two minor children, Peter and Lemma Johnston, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears from the record herein that since the date of the above application there was born to the principal applicant and his wife a child named Myra Frances Johnston.

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902,

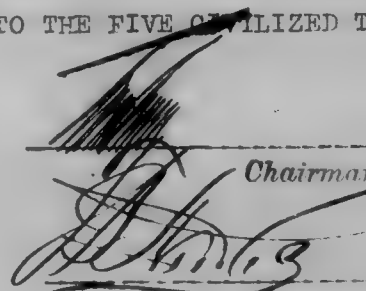
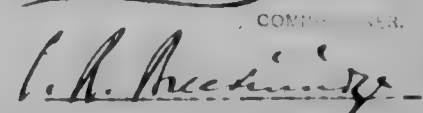
(32 Stats. 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It further appears from the record herein that Annie Johnston died on September 21, 1901; that Myra Frances Johnston died on November 4, 1901 and that Peter Johnston died on March 21, 1902.

It is, therefore, the opinion of this Commission that Isham Johnston, and Lemma Johnston should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman  
  
C. A. Hutchinson  
COMMISSIONER

COPY.

M.C.R.1103.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Isham Johnston and his minor child, Emma Johnston, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Isham Johnston and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, <sup>(SIGN)</sup>  
(SIGNED)

*Tame Bixby.*  
Chairman.

Registered.  
Enc.: 1103.



M.C.R. 1103.

COPY.

Muskogee, Indian Territory, May 6, 1903.

Isham Johnston,

Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your minor daughter Emma Johnston, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishewinge, Chickasaw Nation.

Respectfully,

SIGNED.

*Tams Dixby.*  
Chairman.

Registered.

Enc. 1103.

1418 Miss 7. 102

Lum Bitby

Dear sir I send to you  
our Interests & generation  
Ok lah ho tubbu No 432

Dead by his 4 children &  $\frac{1}{2}$   
 $\frac{1}{2}$  Bro 3 Difference Name Choctaw  
Pis to nah tubbu & Isaac Billie &  
White Man Isaac and he dead  
by us. & alive by son Jesse  
Johnston alive. Rev. J. Johnston

Ok lah ho tubbu dead No 438  
by his Daughter Pan chu to nah  
over 10 years of age & she dead by  
her daughter's Name Ish te nah &  
she dead by son John Willis & Choctaw  
Name Ah Chah Kan tubbu & dead  
by his 5 child C. J. Johnston

12051

Write by  
Rev. I. Johnston

We want you to do  
with this letter with it,  
and send <sup>to</sup> me  
& I care to

Boa ho mah dead by No 459  
his 2 children

- (1) Galah ho te mah over 10 <sup>years</sup> of age.  
and she dead by her ~~daughter~~ <sup>daughter</sup>  
Ah pe san te mah. & she dead  
by us I. Johnston. a line

12051

Write by J. Johnston

Pis ah chu tubbe dead No 491

by 1 son Ish tah tubbe,  
+ dead by his John Willis + ~~dead~~  
~~by~~ Choctaw Name

+ Ah Chah Kahn tubb = ~~dead~~  
~~by his~~ and 1 half Bro at Territory.

+ John Willis dead by his 4  
children alive.

12051

Write by J. Johnston.



The same Member

Okla ho tubbe dead by No 432  
his son ② Ah mok le tubbe. he  
died by his 2 child & 2 difference  
mother. William Gibson. Choctaw  
Name + Mah tte tubbe. dead by  
his 4 child & difference Mother.  
half sister Name.

+ Mah Kon te mah alive

---

Ure tah tubbe dead by, No 486  
his Daughter Choctaw Name  
Ah he kah be mah, <sup>under 10</sup> English  
Name Annie Gibson. & she  
died by her son William Gibson  
Choctaw Name + Mah tte tubbe

12051

Write by J. Johnston

Mr tah tubbu dead his No 486  
son Notish te mah yerbbe under  
10 year of age dead by his son John  
Louis. & he dead by his 5 children  
alive. John Louis alive.

Sam Louis alive.

Smith Louis alive.

John Louis alive.

Jessie Louis & alive

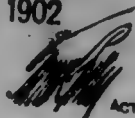
MOR 1103  
12031

Write by J. Johnston

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 29 1902



ACTING COM'.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Isham Johnston, et al.,  
for identification as Mississippi Cheetaws, M C R 1103.

In the matter of the application of Jesse Johnston, et al.,  
for identification as Mississippi Cheetaws, M C R 2188.

--0--

United States of America, )  
Indian Territory, ) ss  
Southern District )

Personally appeared before me, the undersigned  
authority, Isham Johnston, who being first duly sworn, testifies as  
follows:

Q What is your name, age and post office address?

A \_\_\_\_\_  
\_\_\_\_\_

Q Are you the identical Isham Johnston who on December 17, 1900  
appeared before the Commission at Hattiesburg, Mississippi, and  
there made application for the identification of yourself, your  
wife and minor children as Mississippi Cheetaws?

A \_\_\_\_\_

Q At the time you made said application, did you state to  
the Commission that you had a daughter named Jessie or did you  
intend to state that you had a son named Jesse whose age at that  
time was seventeen years?

A \_\_\_\_\_  
\_\_\_\_\_

Q If in answer to the preceding question you state that you did  
not have a daughter named Jessie but a son named Jesse, state  
whether or not your said son has ever appeared before the  
Commission in person and made application for identification as  
a Mississippi Cheetaw, and state also if he did make such ap-  
plication, who he applied for besides himself?

A \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Q Is your son Jesse married at this time, and if so, state the name of his wife, and whether he has any children, giving their names?

A \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Q What is the present post office address of your son Jesse?

A \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, at \_\_\_\_\_, Indian  
Territory.

Notary Public within and for  
the Southern District of the  
Indian Territory.

Ardmore, I. T. February 23, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

You will please deliver to J. C. Balla, of Atoka, Indian Territory, any copies of the records in my case, that under the rule of law the Commission may give out to attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARY:

Isaac Johnston

Also applied for his wife Mary Jane, and three children, Senner, Allen, and Eula.



CCCC

O

P

Y.

Hickory, Mississippi,  
August 6th, 1902.

State of Mississippi,  
Newton County.

Now in accordance with the laws of God appear before me a man, Isham Johnston and a woman, Mary Jane Robison in the presence of these witnesses and I now pronounce them man and wife in lawful bonds of wedlock.

Isham Johnston.  
Klder Ben Williamson.  
J.B.J.C.C.

I, Aleck Folsom, Interpreter for the Commission to the Five Civilized Tribes hereby certify that the above is a correct translation from Choctaw into English of the marriage certificate of Isham Johnston and Mary Jane Robison.

*Alex Folsom*

Subscribed and sworn to before me this 19th day of January, 1904

*Frederick A. ...*  
Notary Public.

Muskogee, Indian Territory, December 3, 1901.

Rev. Isham Johnston,  
Hickory, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 22, in which you desire to be informed relative to the rights to removal of Mississippi Choctaws to the Indian Territory for the purpose of making permanent settlement. Replying to your letter, you are informed that it appears from our records that you are an applicant to this Commission for the identification of yourself and your minor children as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830.

The Commission has, during the past year, had presented so many of these applications that it has been impossible to dispose of any applications heard since December 1, 1900. It is the intention of the Commission, as early as practicable, to take up for consideration each of these individual applications and render a decision and opinion relative to the rights of the claimants to identification as Mississippi Choctaws.

The legislation under which the Commission will dispose of

I.J. 2

these cases only provides that the Commission shall or shall not identify the applicants as Mississippi Choctaws, and contains no provisions relative to settlement in the Choctaw-Chickasaw country.

The status of yourself and children at this time is that of applicants whose rights have in no manner been determined. Should the Commission identify you and your children as Mississippi Choctaws you would then be entitled to the benefits of the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

But until such identification it is not believed that the benefits of this legislation would accrue to applicants. As soon as your case is reached and a decision rendered you will be fully advised as to any action that may be taken by the Commission, but in the meantime it is impossible to render you any further opinion relative to your rights to remove to and settle upon lands of the Choctaw-Chickasaw country.

Yours truly,

Commissioner in Charge.

M.C.N. 1108

Waukegan, Indian Territory, July 30, 1902.

Rev. Isham Johnston,

Hickory, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter without date, giving the names of your Choctaw Indian ancestors and their descendants. Your letter has been filed with the record in your application for the identification of yourself and family as Mississippi Choctaws.

Yours truly,

ACTING CHAIRMAN.

C O P Y.

D.O. 13041-1902.

Hickory, Miss. Aug. 11th 1902.

Tams Bixbe

I let you know about I married Mrs. Mary Jane Roberson  
at 6 days of August 1902. Husband Henry Roberson he dead last  
year.

And she had two children with us today. And she used  
to leave (live) at Jackson Miss.

And My son Jessie Johnston he had one child were born  
at 10 days of August 1902.

Respectfully,

Rev. Isham Johnston.

M.C.R. 1128.

Muskogee, Indian Territory, August 16, 1902.

Reverend Isham Johnston,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th inst., in which you advise that on August 6, 1902, you were married to Mrs. Mary Jane Robinson, and that she is the mother of two children. You also advise of the birth on August 10, 1902, of an infant child of your son Jesse Johnston.

For the purpose of assisting your son in making application for the identification of his child as a Mississippi Choctaw, there is enclosed herewith a blank application for the enrollment of an infant child. In having same completed, be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures are attested by two disinterested parties, witnesses thereto. The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

R I J S

A copy of your letter has been filed with the record in your application for the identification of yourself and family as Kikislingi Chastaw.

Yours truly,

S.O.

Acting Chairman.



Miss. Choctaw 1103.

Muskogee, Indian Territory, October 3, 1902.

Isham Johnston,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 25, in which you ask the result of the recent election; also you wish to be advised if the government will pay for the removal of the Choctaw Indians from Mississippi to Indian Territory.

In reply to your letter you are informed that the agreement which was recently entered into between the United States and the Choctaw Nation, as ratified by an act of Congress of July 1, 1902, was, on September 25, 1902, adopted by the citizens of the Choctaw and Chickasaw Nations at a special election held on that date.

You are further advised that the Commission knows of no fund appropriated by the government to pay for the removal of the Choctaws from Mississippi to Indian Territory.

Relative to that part of your letter in which you speak of the Choctaws desiring to come to Indian Territory this fall, your attention is invited to the following provision of the agreement which was ratified September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Respectfully,

Acting Chairman.

X G R 1108

Muskogee, Indian Territory, July 25, 1902.

Isaac Johnston,  
Hickory, Mississippi.

Dear Sir:

The Commission has received information that your son, Peter Johnston, has died since the time application was made for his identification as a Mississippi Choctaw.

For the purpose of making his death a matter of record there is enclosed you herewith a blank for proof of death which you are requested to have properly executed and returned to this office at your earliest convenience. You will notice that there is an affidavit for a relative and an acquaintance. In having the same executed be careful to see that all the blanks are correctly filled out, the names and residences in full and in case of either of the persons whose names are to be affixed to the affidavit are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The Notary Public before whom the affidavits are acknowledged must affix his notarial seal and jurat for each separate affidavit.

Yours truly,

Enclosure  
Blank Proof of Death.

Commissioner in Charge.

N E R 1103

Muskogee, Indian Territory, August 6, 1902.

Reverend Isham Johnston,  
Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st inst., enclosing proof of death of your son, Peter Johnston.

The same has been filed with the record in your application for the identification of yourself, your wife and minor children as Mississippi Choctaws.

Yours truly,

Isaac Chairman.

M C R 1103  
M C R 2100

Waskagee, Indian Territory, January 29, 1902.

Isham Johnston,

Ardmore, Indian Territory.

Dear Sir-

It appears from the records of the Commission that on December 17, 1900, you made application at Hattiesburg, Mississippi, for the identification of yourself, your wife, Annie, and your three minor children, Jessie, Peter and Emma, as Mississippi Choctaws, your child, Jessie, appearing in said application as a daughter, 17 years of age. It further appears that on May 14, 1901, at Meridian, Mississippi, a man named Jesse Johnston made application for the identification of himself, his wife, Lena, and minor child, Sam, as Mississippi Choctaws, claiming that he was a son of Isham and Emily Johnston.

In order that the records of these two applications may be perfected, it is necessary for the Commission to ascertain whether the child for whom you applied, who appears as Jessie, was a boy or a girl, and if it is a boy whether the Jesse Johnston who made application on May 14, 1901, is that child.

In order to properly secure this evidence, a blank affidavit in interrogatory form is herewith enclosed you, and you are

Isham Johnston, ---2

requested to take same before a notary public and answer the questions therein propounded under oath. An addressed envelope is also enclosed you, in which you can return the affidavit without the payment of postage.

Yours truly,

Enc. HCR-00  
Addressed Envelope.  
Register.

Muskogee, Indian Territory, February 4, 1903.

Rev. Isham Johnston,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22d ultimo, in which you state that you have borrowed money from J.E. Arnold to pay the expense of your removal from Mississippi to the Indian Territory; that your post office address in future will be Ardmore, Indian Territory; and you ask the status of your case.

In reply to your letter, you are informed that the Commission has not reached any opinion or decision relative to the right of yourself and family to be identified as Mississippi Choctaws. It is probable a decision will be rendered in the very near future, when you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The Commission cannot advise you relative to your financial dealings with J.E. Arnold.

The change of your post office address to Ardmore, Indian Territory, has been made a matter of record.

Respectfully,

Acting Chairman.



Muskogee, Indian Territory, April 6, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

In compliance with the request contained in your letter of the 26th ultimo, there are enclosed you herewith copies of testimony in the following Mississippi Choctaw cases:

Isham Johnson, et al.,	M C R 1103
Simon John, et al.,	M C R 1906
Billie John, et al.,	M C R 2994
Big John, et al.,	M C R 1138
John Lewis, et al.,	M C R 1959
John Lewis, et al.,	M C R 2826
Emil John, et al.,	M C R 2269
Willis Tubbee, et al.,	M C R 1933
Dennis Frenchman, et al.,	M C R 1955
John Sockey, et al.	M C R 5162
Allen Jack,	M C R 2070
Jack Post oak, et al.,	M C R 1580
George Harris, et al.,	M C R 5164
Jim Jackson,	M C R 2787.

Respectfully,

MoM 000

COPY.

M.C.R. 1103.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Isham Johnston and his minor child, Emma Johnston, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Isham Johnston and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

*Tame Bixby.*

Chairman.

Registered,  
Enc.: 1103.

M.C.R. 1103.

COPY.

Muskogee, Indian Territory, May 6, 1903.

Isaac Johnston,

Argers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself and your minor daughter Emma Johnston, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 941).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Registered.

Enc. 1103.

M C R 1103

Muskogee, Indian Territory, January 21, 1903.

Reverend Isham Johnston,  
Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you state that you would "like to go to Territory pretty soon" and ask to be advised about the contracts "the Choctaws" are making with lawyers for their removal to the Territory.

In reply you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and family as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to the right of the full blood Choctaws residing in Mississippi to be identified as Mississippi Choctaws. It is probable decisions will be rendered in the near future; such applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to the time you should remove to and make settlement within the Choctaw-Chickasaw country, your attention is invited to the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902.

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Regarding the contracts which the Mississippi Choctaws are making with lawyers for their removal to the Indian Territory, your attention is also invited to the following act of Congress approved May 31, 1900:

"Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Respectfully,

Commissioner in Charge.

No. 1103

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Isham Johnston.

Age 49. Blood full.

Post Office, Hickory, Miss.

Father: Isaac Billy - ✓

Mother: Nancy Billy - dead.

Claims through both father and mother

WIFE: Annie Johnston. 21.

FATHER: John Parker. - ✓

MOTHER: --- Parker. - does

Children:

Jessie Johnston 17

Peter " " 15

Lemua " " 11.

MOTHER: Emma Johnston - dead

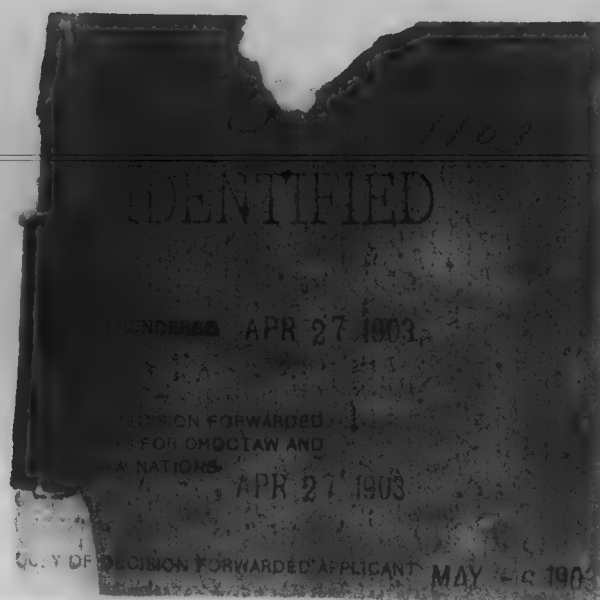
Nettie Thomas DEAD 2.

FATHER: Charley Thomas. - ✓

Make reference to M. C. # 346.

Stenographer.

Anna Bell





Choc mcr 1104 marcus spights

see mcr 1850

mcr 1104

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 17, 1900.

In the matter of the application for identification as Mississippi Chectaws of Marcus Speights and his eight minor children Marcus Speights being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Marcus Speights.
- Q What is your age? A 46. Well, 45 last March.
- Q What is your post-office address? A Poplarville, Mississippi.
- Q Where were you born? A I was born in Lawrence County.
- Q Mississippi? A Yes sir.
- Q Have you lived in Mississippi ever since the date of your birth? A No sir, I have lived part of the time in Louisiana and part of the time in the Indian Territory.
- Q How long did you live in the Indian Territory? A Well, it has been about twenty years or twenty one years since I was there. I only lived there one year. Well it was part of a year.
- Q About twenty years ago? A Yes sir.
- Q Have you been living in Mississippi for the past twenty years? A No sir. I lived in Louisiana until the past four years. Four years the 20th of this month. The 20th of December.
- Q How many years during your life have you lived outside of Mississippi? A About sixteen years I reckon. In the neighborhood of fifteen years. Between 15 and 16 years. 15 years. In the neighborhood of 15 years. I cant remember exactly. I lived part of one year in the Indian Territory and ~~lived from~~ twenty then until four years back, in Louisiana.
- Q What is your father's name? A Ed Speights as well as I remember.
- Q Is he living? A No sir, he's dead.
- Q What is your mother's name? A Rena.
- Q Is she living? A No sir, both died when I was little.
- Q Through which one of your parents do you claim your Chectaw blood? A My mother.
- Q How much Chectaw blood have you? A My mother - I don't know - my mother was Chectaw Indian. I don't know how much you would call it. One half I guess I am.
- Q Your father a white man? A Yes sir.
- Q Is your name on any of the rolls of the Chectaw nation in the Indian Territory? A I don't know.
- Q Did you ever make application to the Chectaw tribal authorities in the Indian Territory for citizenship in the Chectaw Nation? A No sir.
- Q Did you or any one in your behalf make application in 1896 to the Commission to the five Civilized Tribes for citizenship in the Chectaw nation under the act of Congress of June 10, 1896? A No sir, I don't remember a nything like it.
- Q Have you ever been admitted to citizenship in the Chectaw Nation by judgment of the United States Courts for the Indian Territory on appeal from the decision of the Chectaw tribal authorities or the decision of this Commission? A No sir, I don't remember anything of it.
- Q Did you ever apply to the Commission to the Five Civilized Tribes for admission to citizenship? A No sir, I was only there among them in 1820, I mean twenty years ago.
- Q I am talking about this Commission? A No sir.

Marcus Speights 2

Q Have you ever prior to this time made any application of any nature whatsoever to either the Choctaw tribal authorities or to the authorities of the United States? A No sir.

Q For either citizenship or enrollment as a Choctaw? A No sir.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

Q Do you make your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I do.

Q What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A James Telbert. We known him as James Telbert and also Hantubby.

Q Was he your mother's father? A Yes sir.

Q Have you any evidence showing that you are a direct lineal descendant of James Hantubby? A Yes sir.

Q Is it documentary or oral? A Yes sir, document.

Q Do you wish to offer that in evidence? A Yes sir.

By L. P. Hudson attorney for the applicant. It is not quite ready. We will file it here tomorrow.

Q Did James Hantubby signify to the United States Indian Agent of the Choctaw Indians within six months after the ratification of the treaty, his intention to remain and become a citizen of the United States? A I can't tell that.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't remember anything about that.

Q Do you know whether or not James Hantubby lived in Mississippi in 1830? A Yes sir.

Q Have you any evidence to that fact? A Yes sir, I think so. Old men that knew him.

Q Are they here? A No sir, that is the document. I never asked them about that either. I don't know that strictly. I don't know anything about that as a part of it.

Q Are you married? A Yes sir.

Q What is your wife's name? A Emma.

Q Are you making any claim for her? A No sir.

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Yes sir.

Q What are their names and ages? A The oldest is Rena. 18 years old.

Q Go ahead? A The next, Luther, 17. The next is Emma, 16. The next is Lee, 15. The next is Joanna, a girl, 13. The next is Marcus, 10. Well, Joanna may be 12. She is somewhere near that. The next is Zula. She's 8 years. Zula's 8. The next is Ella, 6. She may be near seven.

Q Is that all? A Yes sir.

Q Is there any additional statement you desire to make at this time in support of this application? A Well, I don't know of any other. I don't know of any other addition to make.

Here attorney, L. P. Hudson, asks leave to file additional evidence in support of this claim within thirty days from this date.

Mr. Bixby. Additional evidence in what shape.

Mr. Hudson. In the form of affidavits.

Mr. Bixby. Any papers that you may have ready tomorrow we will accept.

Mr. Hudson. All right.

Examination by Mr. Hudson.

Q Mr. Speights is it your intention to remove to the Indian

Marcus Speights 3

Territory for the purpose of claiming your rights in the lands there? A Well, yes sir, I would move there.

By the Commission.

Upon a careful consideration of the testimony in this case, the Commission will render its decision and furnish you with a copy of the same mailed to your present post-office address.

Myra Young, being first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on December 17, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 17th day of December, 1900.

[Signature]  
Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 2, 1901.

-----:-----

In the matter of the application of Marcus Speights for the identification of himself and his eight minor children, Rena, Luther, Emma, Lee, Joanna, Marcus, Zula and Ella Speights, as Mississippi Choctaws, heard at Hattiesburg, Mississippi, December 17, 1900. M.C.R.1104.

Applicant represented by L. P. Hudson, Attorney.

Marcus Speights, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Marcus Speights.  
Q What is your age? A Forty-five.  
Q What is your post office address? A Something about forty-six new.  
Q What is your post office address? A Poplarville, Mississippi.  
Q You are living there now? A Yes sir.  
Q Did you at Hattiesburg, Mississippi, December 17, 1900, make application for identification as a Mississippi Choctaw for yourself and also for your children? A I did.  
Q What is your purpose in now appearing before the Commission to testify under oath in this case? A What is my purpose? Well----  
Q What do you want now? A I want land.  
Q What are you here for now? A I am here to----for a witness.  
Q Personally appear here in support of my application.  
Q You are represented here by Mr. L. P. Hudson, are you not? A Yes sir.  
Q I will ask you, Mr. Hudson, what is the purpose of Mr. Speights appearance now before the Commission.

By Attorney.

The purpose of bringing Mr. Speights before the Commission at this time is to complete the record made at Hattiesburg; in the examination made by Mr. Bixby, the personal appearance of this applicant does not appear; is not a part of the record. He

Marcus Speights et al., 2.

desires the Commission to give their judgment as to his personal appearance and Indian blood.

By the Commission.

- Q How much Choctaw blood do you claim, Mr. Speights? A Half.  
Q What is the other part? A I suppose it's white.  
Q Do you know of any colored blood in your ancestry? A No sir.  
Q None at all? A No sir.  
Q Never heard of any? A No sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry, composed of Indian and white blood, and in the opinion of the Commission no traces of Negro blood are shown, neither does he claim any Negro blood. His appearance would indicate at least a large proportion of Choctaw blood, probably the quantity which he claims. His skin is that of a half-breed Choctaw Indian in color, his eyes are the eyes of a Choctaw Indian, judging from the experience which the Commission has in these matters, hair is black and straight, sprinkled with gray, moustache is long black and straight.

- Q Do you speak the Choctaw language? A No sir.  
Q Do you speak it at all? A I know some. I don't claim to speak it at all

He has no knowledge of the Choctaw language, and does not in his testimony show a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of

Examination by Attorney L. P. Hudson.

- Q Mr. Speights, what is your object in coming from Mississippi to the Indian Territory at this time? A Is to make preparations to move and live here.  
Q You are here for the purpose of looking out a location are you?  
A Yes sir.  
Q Moving your family here? A Yes sir.

-----+-----

John Willis, being called as a witness in the above entitled cause, and having been first duly sworn, upon his oath testifies as follows:

Examination by Attorney.

- Q Your name is John Willis, is it? A That's it.



Marcus Speights et al., 3.

- Q Where do you live now, John? A I quit; I ain't going to tell you that.
- Q Where do you live now? A I stayed near Speights.
- Q Here in the Territory? A Yes sir.
- Q John, do you know Marcus Speights? A Yes sir, when high, this was just that age.
- Q Grew up together? A Yes sir.
- Q Did you know Marcus' mother? A That's Rena.
- Q Rena; what was Marcus' mother? Indian or white woman? A Full Choctaw.
- Q Fullblood Choctaw? A Yes sir, no mix.
- Q You knew her ever since you was a little boy? A Yes sir, you know we part sometimes, we come together.
- Q Part sometimes and come together? A Yes.
- Q You are a fullblood Choctaw, John? A Pure, sure, no mix.
- Q Did you know Marcus Speights' father? A He's dead.
- Q Well, you used to know him? A I know him.
- Q You was little? A Yes, I know the Choctaw, his pappy.
- Q How did you know Rena's father? A E-ne-hubbe.
- Q Yes, that's Marcus' mother? A Father.
- Q What was Rena's father's Indian name? A Enahubbe.
- Q What? A Enahubbe.
- Q Did you ever hear him called Honatubbe? A I don't think Honatubbe was kin folks Speights.
- Q Yes, did you ever hear him called Honatubbe? Ever call him Honatubbe? A That ain't the one.
- Q That ain't the one? A No no, that ain't the one.
- Q The Indian name you know? A Yes, I know him but that ain't his Pa. I know him, but I got it now, Enahuntubbe! That's his grandpa.
- Q That's his grandpa? A Yes, fullblood and Choctaw.
- Q You knew him when a little boy? A Boy me and him together. We part sometimes---we come together.
- Q He was an old man, you a young man? A Yes, I am eldest.
- Q Older than Speights? A Yes.
- Q But I say, Enahuntubbe, he was an old man? A Old man. He's been dead long time ago.
- Q You ever see him? A My pa?
- Q No, Enahuntubbe? A No him up till mabby two year, all his kin folks. Not enough choctaw, just half. His pa just half, not pure, not pure, his pa not pure.
- Q Marcus Speights pa was half Choctaw? A Yes, he half Choctaw.
- Q What was the other half? A Choctaw.
- Q Choctaw; the other white? A Yes.
- Q Choctaw and white? A Yes. I ain't go wrong. I am Choctaw and know all about it. I tell it all about it. I know more yet.

Witness excused.

Hal Belferg, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901. *Hal Belferg*  
Subscribed and sworn to before me this 21 day of January, 1902.

*Charles H. Belferg*  
Notary Public.



Muskogee, Indian Territory, February 7, 1901.

Marcus Speights,

Poplarville, Mississippi.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant in which you request that a copy of the Commission's Sixth Annual Report be mailed to you.

In accordance with your request there is sent you today under separate cover report of the Commission for the fiscal year ended June 30th, 1899.

As to your rights as a Choctaw Indian and your identification as a Mississippi Choctaw you are informed that the records of the Commission show that you appeared as an applicant before the Commission at Hattiesburg, Mississippi on December 17th, 1900, where you applied for the identification of yourself and eight children as Mississippi Choctaws.

The Commission has not up to this time rendered any decision in the matter of your application and it may be some time before such decision is rendered, but after due consideration of your case, the Commission will render a decision as to the rights of yourself and your children to identification as Mississippi Choctaws and a copy of the same will be mailed to you stating fully therein the reasons for any action that may be taken by the Commission.

Yours truly,

COPY

Muskegee, Indian Territory, January 6, 1903.

Marcus Speights,

Poplarville, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Doreas Barnes, et al., embracing the following applications for identification as Mississippi Choctaws:

Doreas Barnes,	M.C.R. 1880
Marcus Speights, et al.,	M.C.R. 1104
Joe Speights, et al.,	M.C.R. 1851
James M. Speights, et al.,	M.C.R. 1949
Delia Barnes, et al.,	M.C.R. 1948
Adelma Langston, et al.,	M.C.R. 2122
Nollie Byson, et al.,	M.C.R. 2123
Millie Barnes, et al.,	M.C.R. 2124
Margaret Gates, et al.,	M.C.R. 2125
Will Barnes,	M.C.R. 2126
Rachel Nichols, et al.,	M.C.R. 2127
Archie Barnes,	M.C.R. 2129
Morris Barnes, et al.,	M.C.R. 2134
Robert Barnes, et al.,	M.C.R. 2135
Mary Jane Bridges, et al.,	M.C.R. 2128
John Barnes, et al.,	M.C.R. 3081
Jacob James, et al.,	M.C.R. 2135

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dorcas Barnes, Marcus Speights, Rena Speights, Luther Speights, Emma Speights, Lee Speights, Joanna Speights, Marcus Speights Jr., Zula Speights, Ella Speights, Joe Speights, Sarah Speights, Letha Speights, James M. Speights, Lawrence Marion Speights, Lula Speights, Ambrose Marion Speights, Delia Barnes, Frank Barnes, James Barnes, Jerolf Barnes, Archie Barnes, Warren Barnes, Stella Barnes, Fleet Barnes, Ardee Barnes, Adelee Langston, Gladys Langston, Charley Langston, Mollie Dyson, Carrie Dyson, Herbert Dyson, Galmer Dyson, Millie Barnes, Amos Barnes, Burfus Barnes, Richard Barnes, Margaret Oaits, Willie Oaits, A. D. Oaits, Buford Oaits, Clyde Oaits, Will Barnes, Esek Nichols, Earns Nichols, Sugar Nichols, Lula Nichols, Cleophus Nichols, Archie Barnes, Morris Barnes, Jacob Barnes, Clara Barnes, Luther Barnes, Mitchell Barnes, Velma Lee Barnes, Robert Barnes, Almus Barnes, Gladys Barnes, Lister Barnes, Mary Jane Bridges, Governor Bridges, John Barnes, Walter Barnes, Leon Barnes, Alice Barnes, Mary Barnes, Jesse Barnes, George Barnes, Perry Sidney, Jacob James, Eddie James, Mary James and James James as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Baby*

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 27, 1903.

Marcus Speights,

Poplarville, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th inst., in which you state that you did not receive the letter of the Commission notifying you of the refusal of the several applications included in the consolidated Mississippi Choctaw case of Dorcas Barnes, et al., until the 18th inst., and that it was then too late to file arguments in support of this case.

In reply to your letter you are informed that the fifteen days from January 6, 1903, heretofore granted in this case, expired on January 21, 1903: on January 22, 1903, the record in this case together with the decision of the Commission refusing the several applications in this consolidated case was forwarded to the Secretary of the Interior. Pending action thereon by him, the Commission cannot receive or consider further evidence. You will be duly notified of such Departmental action as may be taken by him in this case.

Respectfully,

Acting Chairman.

M:O.R. 1104

COPY.

Muskogee, Indian Territory, August 8, 1903.

Marcus Speights,

Poplarville, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Berceas Barnes, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

No. 1104

For Identification as a Mississippi Choctaw.

Date

DEC 17 1900

Name

Marcus Sprights

Age

45

Blood

$\frac{1}{2}$  Choctaw

Post Office,

Poplarville, Miss.

Father:

Ed Sprights <sup>brother of wife</sup> (Choctaw)

Mother:

Rena " <sup>brother of wife</sup> (white) ✓

Claims through

mother

wife:

Emma

no claim for wife

Children:

- 1 Rena Sprights 18 years old
- 2 Luther " 17 " "
- 3 Emma " 16 " "
- 4 Lew " 15 " "
- 5 Emma " 13 " "
- 6 Marcus " 10 " "
- 7 Julia " 8 " "
- 8 Ella " 6 " "

Stenographer.

Nyra Young.

Marcus Speights, Poplarville,  
Mississippi, February 4, 1901.

This letter was received at  
this office this morning.

The records show that on De-  
cember 17, 1900, the applicant  
Marcus Speights, 45 years of  
age of Poplarville, Mississippi  
whose father is Ed Speights,  
and mother, Rena Speights,  
applied for identification of  
himself and 8 children, Rena,  
Luther, Anna, Lee, Joanna, Mar-  
cus, Zula and Ella Speights  
as Mississippi Choctaws. No  
judgment has yet been rendered  
in this matter.

Atoka, February 6, 1901.

AB



Department of the Interior,  
Commission to the Five Civilized Tribes.  
CHOCTAW-CHICKASAW ENROLLMENT.

Letter file No.

Name

Date

Dec 2-1901

Report

One copy of testimony  
in me R 1104, taken  
by L. P. Hudson, atty  
for applicant, on  
above date.

(Farrow)

JAN - 6 1903  
RECEIVED DEPARTMENT MAILED APPLICANT.

JAN - 6 1903  
RECEIVED DEPARTMENT MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JAN - 8 1903  
RECEIVED DEPARTMENT MAILED APPLICANT.

JAN 22 1903  
RECEIVED DEPARTMENT MAILED APPLICANT.

JUL 25 1903  
RECEIVED DEPARTMENT MAILED APPLICANT.

AUG - 8 1903  
RECEIVED DEPARTMENT MAILED APPLICANT.

AUG - 8 1903

TO M. O. B. 1104

1104

choc mcr 1105 Jeff D. Neal

mcr 1105

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Jeff D. Neal, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1105.

-----o-----

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jeff D. Neal,  
et al., for identification as Mississippi Choctaws,  
M.C.R. 1105

-----  
I N D E X  
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Page

Original application of Jeff D. Neal, et al., to the Dawes  
Commission for identification as Mississippi Choctaws----- 1

Copy of testimony of Jeff D. Neal taken at Meridian,  
Mississippi April 27, 1901, in which he makes applica-  
tion for a minor child, Earnest, omitted in the  
original application ----- 4

Decision of the Commission identifying Jeff D. Neal  
et al., as Mississippi Choctaws----- 5

1105

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 17, 1900.

In the matter of the application for identification as Mississippi Choctaws of Jeff D. Neal, his wife, and minor child. Jeff D. Neal being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Jeff. D. Neal.  
Q What is your age? A Twenty eight.  
Q What is your post-office address? A Avera, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Born and brought up here were you? A Yes sir.  
Q And lived here all the days of your life? A Yes sir.  
Q What is your father's name? A John Neal.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A I don't hardly remember.

She's been dead since I was quite small.

- Q Through which one of your parents do you claim your Choctaw blood. A Both full blood.

- Q Both fullbloods? A Yes sir.

- Q Then you claim to be a full blood Choctaw Indian? A Yes sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, I don't remember.

- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.

- Q Did you or did any one in your behalf make application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A Well, I don't remember.

- Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by the Commission to the Five Civilized Tribes or by judgment of the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.

- Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw Nation in the Indian Territory or the authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A Yes sir.

- Q When was that? A Well, I don't hardly remember.

- Q Where did you make application? A Over here, well, not very far from Avera.

- Q About two years ago was it? A Yes sir but then I didn't think it was much. The fellow had been around and he went by and brought a paper and made me sign it.

- Q Who was it? A Dennis Frenchman carried the copy of it.

- Q Well, that was a private enterprise wasn't it. Dennis Frenchman was not an official of the United States was he? A No sir, he wasn't. But then this fellow by the name of H. S. Halbert had I supposed sent him out there.

- Q Who was he? A A gentleman. He was around here a while ago.

- Q He is not an official for the United States Government? A No sir I don't think he was.

- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

- Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Well, I



Jeff D. Neal 2

Don't remember that at all.

Q What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw Tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A Well, I don't remember that. The oldest people never has told me anything about it.

Q Do you know the names of your ancestors? A No sir.

Q Don't you know the name of your father's father? A No sir.

Q Nor the name of your mother's father? A No sir, I do not. Well my father did n't know it either. He was a baby I suppose when he died.

Q Have you any evidence showing that you are a direct lineal descendant of any person who signified to the United States Indian Agent of the Choctaw Indians in Mississippi prior to the 24th day of August, 1831, his or her intentions to become citizens and remain five years? A Yes sir.

Q What was the name of the person? A Well, I don't remember exactly. I never asked my folks.

Q Where are your folks? A Over in Greene County. They are all young raised and I don't think they know.

Q You don't think they know much about it? A No sir.

Q Is there any person living who can identify you as a descendant of any of these people who signified their intention in 1830 to remain in Mississippi? A No sir, I don't expect any one around here.

Q Do you know whether or not any of your ancestors claimed or received any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, I do not.

Q Where did your ancestors live in 1830? A Well, I don't know where they were. I was small.

✓Q Are you married? A Yes sir.

✓Q What is your wife's name? A Dora.

✓Q Are you making any claim for her? A Yes sir.

✓Q Is she a Mississippi Choctaw? A Yes sir.

✓Q What is her father's name? A John Jeff I believe.

✓Q Is he living? A No sir, he's dead.

✓Q What is your wife's mother's name? A Dollie.

✓Q Is she living? A No sir, she's dead.

✓Q Through which one of her parents does your wife claim her Choctaw blood? A They both claim.

✓Q Both are Choctaws are they? A Yes sir.

✓Q Is your wife a full blood? A Yes sir, she appears full blood, I suppose.

✓Q Is her name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I don't believe it is.

✓Q Did she ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No sir, I don't think she did.

✓Q Did she or any one in her behalf make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Well, I don't know anything about it.

✓Q Has she ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by judgment of the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A Well, I don't think she ever has.

✓Q Did she ever prior to this time make any application to either the tribal authorities of the Choctaw Nation in the Indian Territory or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A Yes sir I believe she has.

✓Q When was that? A That was the same time as that fellow went around there.

2 Q But you stated in your examination that the men that you applied to were not officials of the United States. A Yes sir but I was not at home when that fellow went. 2



Jeff D. Neal 3

Q But these men that you applied to, you and your wife, were not officials of the United States government? A No sir.

Q They were just private citizens? A I don't know.

Q Were they private citizens or not? A I don't know.

Q They were not Indians were they? A The reason why I thought that was-

Q Well, Mr. Neal, the reason you thought what? A Because that fellow was around and I saw him catch on to it and that is how I come to think it was right.

Q What I want to know is whether or not you ever applied to any United States officials prior to this time for enrollment or your wife or whether she did? A No sir.

Q Are you making a claim in behalf of your wife as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Q What was the name of the ancestor of your wife who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A Well, I hardly know.

Q What was the name of your wife's grand father? A I don't know.

Q Do you know the names of either of your wife's grand mothers? A No sir.

Q Did any of your wife's ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A Well, I don't know anything about it much.

Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Yes sir, one that is only three years old.

Q What is the name and age of this child? A Cora.

Q How old is she? A Going on three. Will be three in next August.

Q Does this child live with you at your home? A Yes sir.

Q Is there any additional statement you desire to make in support of this application? A No sir.

Q Have you any documentary evidence that you would like to offer at this time.

Here L. P. Hudson attorney for the applicant, asks leave to file written evidence in support of this claim within thirty days from this date.

Upon careful consideration of the testimony in this case the Commission will render its decision and you will be furnished with a copy in writing mailed to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 17th day of December, 1900.

*Myra Young*  
Acting Chairman.

To be filed with Mississippi Choctaw Card Field No. R-1105.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 27, 1901.

In the matter of the application of Jeff D. Neil for the ~~sum~~ identification of his minor child Earnest, who was omitted in former application.

Jeff D. Neil being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jeff D. Neil.  
Q What is your age? A 27 years.  
Q What is your postoffice address? A Avera, Mississippi.  
Q You are a full blood Choctaw? A Yes sir.  
Q What is your wife's name? A Dora.  
Q How many children have you? A Two.  
Q When you were before the Commission at Hattiesburg, Mississippi, on December 17, 1901, your testimony states that you had only one child named Cora.  
A I gave in two but they only put in one.  
Q You have another child besides Cora? A Yes sir.  
Q What is its name? A Earnest.  
Q How old is Earnest? A A year old the 26th of last March.  
Q You are the father of Earnest are you? A Yes sir.  
Q And Dora is the mother? A Yes sir.

---Q---

Frances R. Brown having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 27th day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 6th day of May, 1901.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jeff D. Neal,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1105

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 17, 1900, by Jeff D. Neal for himself, his wife, Dora, and his minor child Cora Neal, under the following provision of the Act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears from the record herein that since the date of the above application, the principal applicant made application for his minor child Earnest Neal, who was omitted in the former application.

From the evidence submitted in support of said application

it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress, entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

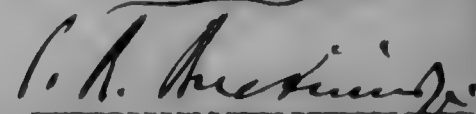
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, and entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jeff D. Neal, Dora Neal, Cora Neal and Earnest Neal should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jeff D. Neal, his wife Dora Neal, and minor children Cora Neal and Earnest Neal as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jeff D. Neal, his wife and children, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Acting Chairman

Enc. MT. 27

M.C.R. 1105

Muskegee, Indian Territory, March 11, 1903.

Jeff D. Neal,

Avera, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Dora Neal, and your minor children, Gera Neal and Earnest Neal, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Earle Bixby.*

Chairman.

Registered.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE

Application for Enrollment of

INFANT CHILD

*Earney Neal*

is a citizen of -

MISSISSIPPI CHOCTAW,

Nation.

Approved

190

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUN 3 1901

*[Signature]*  
ACTING CHAIRMAN.

The application herein is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

*[Signature]*  
Acting Chairman.

MISSISSIPPI CHOCTAW.

1042

MISSISSIPPI CHOCTAW.

1105



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

BIRTH AFFIDAVIT.

20

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Erney Neal, born on the 26<sup>th</sup> day of March, 1900  
(Here insert name of child.)  
Name of Father: Jeff D Neal, a citizen of the Choctaw Nation.  
Name of Mother: Dora Neal, a citizen of the Choctaw Nation.  
Post-office, Averett Mississippi

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
District. }

I, Dora Neal, on oath state that I am 24  
years of age and a citizen, by Nativity, of the Choctaw Nation;  
that I am the lawful wife of Jeff D Neal, who is a citizen, by  
Nativity, of the Choctaw Nation, that a male child was  
(male or female.)  
born to me on the 26<sup>th</sup> day of March, 1900; that said child has been  
named Erney Neal, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

J. Nathan Turner  
J. C. Williams

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 1901.

D. B. Peaster

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

Dead

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
State of Mississippi, District. }

County of Lauderdale

I, Jeff D. Neal, a free blood Choctaw Indian, on oath state that I  
attended on my wife Dora Neal, wife of  
on the 26 day of March, 1900; that there was born to her on  
said date a male child; that said child is now living and is said to have been  
(male or female.)  
named Erney Neal; That the only other witnesses to the birth  
of said child is now deceased.

WITNESSES TO MARK

(Must be Two  
Witnesses)

L. P. Hudson Jeff D. Neal

Subscribed and sworn to before me this 30<sup>th</sup> day of June, 1901.

[Signature]

NOTARY PUBLIC.

To be filed with Mississippi Choctaw Card Field No. 542.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, April 27, 1901.

In the matter of the application of Jeff D. Neil for the ~~xxx~~ identification of his minor child Earnest, who was omitted in former application.

Jeff D. Neil being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jeff D. Neil.  
Q What is your age? A 27 years.  
Q What is your postoffice address? A Avera, Mississippi.  
Q You are a full blood Choctaw? A Yes sir.  
Q What is your wife's name? A Dora.  
Q How many children have you? A Two.  
Q When you were before the Commission at Hattiesburg, Mississippi, on December 17, 1901, your testimony states that you had only one child named Cora.  
A I gave in two but they only put in one.  
Q You have another child besides Cora? A Yes sir.  
Q What is its name? A Earnest.  
Q How old is Earnest? A A year old the 26th of last March.  
Q You are the father of Earnest are you? A Yes sir.  
Q And Dora is the mother? A Yes sir.

---0---

Frances R. Brown having been first duly sworn upon her oath att states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 27th day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 6th day of May, 1901.

  
Acting Chairman.

COPY.

K.O.R. 1108

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jeff D. Neal, his wife Dora Neal, and minor children Cora Neal and Earnest Neal as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jeff D. Neal, his wife and children, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to make such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
E. G. HENRY

Tames Birby  
Acting Chairman.

Registered,

Aug. 17, 1903

Waukegee, Indian Territory, March 11, 1903.

Jeff D. Neal,

Avera, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Dora Neal, and your minor children, Gora Neal and Earnest Neal, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Chairman.

Registered.

Enc. 1105.

M C R 6446  
M C R 1106

Muskogee, Indian Territory, September 15, 1903.

J. S. Little,

Attorney at Law,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 20, 1903, relative to a transaction between one Elias Folsom, the First National Bank, of Reff, Indian Territory, and Jeff D. Neal, a Mississippi Choctaw, in which is involved a certain tract of land evidently situated in the Chickasaw Nation, Indian Territory.

In reply to your letter you are advised that matters of this character are not within the jurisdiction of this Commission or of any interest in the disposition of lands of the Choctaw and Chickasaw Nations.

It appears from our records that one Jeff D. Neal, thirty years of age, and who formerly resided at Avera, Mississippi, was, by a decision of the Commission, under date of February 14, 1903, identified as a full blood Mississippi Choctaw entitled to an allotment in the Choctaw-Chickasaw country. It does not appear from our records that the said Jeff D. Neal has made any application for allotment of land in the Choctaw or Chickasaw Nation. If he is desirous of selecting as his allotment the land in controversy re-

J C L 2

ferred to in your letter, it is suggested that he personally present himself at the land office at Tishomingo, Indian Territory, and make formal application for such land. It would probable be advisable, however, that he first communicate with the Chickasaw land office and obtain a ticket of admission thereto.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 7, 1903.

Jeff D. Neal,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 1, 1903, in which you ask if children born since September 25, 1902, can be enrolled as Mississippi Choctaws.

In reply your attention is invited to the following provision of the Act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.



M C R 1105

Muskegee, Indian Territory, March 22, 1904.

Jeff D. Neal,

Delberg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, asking that you be furnished with guardianship blanks, as you desire to be appointed guardian of some minor children and your grandmother, who is of unsound mind.

In reply you are informed that the Commission has no blanks of this description, and the appointing of guardians is a matter over which the Commission has no jurisdiction. You should apply to the tribal courts or the United States District court for the district in which you reside.

Respectfully,

Commissioner in Charge.

No. 1105

For Identification as a Mississippi Choctaw.

Date

DEC 17 1900

Name

Jeff D Neal

Age 28

Blood full. Choctaw

Post Office, Abbeville, Miss.

Father:

John Neal

Mother:

Don't remember her name.

Claims through

father and mother.

Wife:

Dora (Full Blood Choctaw)

Father:

John Jeff

Mother:

Dollie

Children:

1 Cora Neal. 2 years old

2

3

Stenographer:

Myra Young

IDENTIFIED

RECEIVED

FEB 14 1903

DECISION FORWARDED  
FOR CHOCTAW AND  
NATIONS.

FEB 21 1903

COPIES OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

1883 P.O. Salberg. P. J.

Choc mcr 1106 Isaac moy

see mcr 1108

mcr 1106

*Mac ...*  
**REFUSED**

**DECISION RENDERED. JUL 25 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 25 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 25 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 25 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR**

**AUG 25 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP - 5 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**SEP - 5 1902**

**REFER TO M. C. R. 1108.**

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

IN the matter of the application of Isaac May for the identification of himself and his minor child as Mississippi Choctaws.

Isaac May, having been first duly sworn by Acting Chairman Tamm Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Isaac May.  
Q How old are you? A About 46 I reckon.  
Q What is your post office address? A Sartinville.  
Q How long have you lived in Mississippi? A All my life.  
Q Born here? A Yes sir.  
Q Lived here all your life? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q What is your father's name? A I don't know about his name more than Billy Indian, that is all I can tell.  
Q Is he living? A No sir.  
Q What is your mother's name? A Delila Hammond.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A From my father.  
Q What was your mother? Was your mother a negro? A Yes sir.  
Q Was she a slave? A Yes sir.  
Q She was held in slavery? A Yes sir.  
Q By a Choctaw Indian? Who owned her? A Hammonds.  
Q A white man? A Yes sir.  
Q Have you ever been a slave? A Yes sir, a little while.  
Q Who owned you? A Mr Hammond.  
Q He was not a Choctaw? A No sir.  
Q Was your father ever held in slavery? A No sir, I reckon not, he was always a free man.  
Q How much Choctaw blood do you claim? A Well, I don't know sir, about a half I guess.  
Q Claim your father was a full blood Choctaw? A Yes sir.  
Q Is your name on the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make any application to the Choctaw tribal authorities in Indian Territory for citizenship? A No sir.  
Q Did you make application to the Dawes Commission for citizenship in the Choctaw Nation in 1896 under the Act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory? A No sir.  
Q This is the first application you have ever made is it? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw. Is that correct? A Yes sir.  
Q Are you claiming your rights as a beneficiary under the 14th article of the treaty of 1830? A Yes sir, If I understand it right.  
Q You have had it explained to you haven't you? You understand the 14th article of the treaty of 1830, do you, the provisions of it?  
A Yes sir.  
Q What was the name of your ancestor who lived in Mississippi and who was a recognized member of the Choctaw tribe of Indians in 1830? A What?  
Q What was the name of your father or grandfather who lived in Mississippi in 1830 who was a recognized member of the Choctaw tribe of Indians? A I don't know more than Billy Indian, what was said I didn't know his people, I was not old enough to recollect.  
Q Do you know whether your father's people ever removed to the Indian Territory? A No I know any of them.



- Q Do you know whether they ever want to the Indian Territory?  
 A No sir, I don't know.
- Q How far back do you know about your father and his people?  
 A Don't know.
- Q You were born here in Mississippi? A Yes sir.
- Q Your father was living here then? A Yes sir, but he died--
- Q Wait a minute, don't want to know about his death; that was forty six years ago; How long before that had your father been living--  
 How old was your father when you were born? A Don't know.
- Q About how old? A Well I don't know sir.
- Q Had your father always lived in Mississippi? A Yes sir, until the time he was here. Jasper
- Q Where did your father come from here? A He come from Jefferson County.
- Q Where? A Jasper County where? A Mississippi.
- Q Has he always lived in Mississippi? A So far as I know.
- Q Do you know anything about his father? A No sir, don't know a thing about him.
- Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Do you know whether any of them ever signified to the United States Indian Agent after the ratification of the treaty of 1830 their intention to remain and become citizens of the United States?  
 A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Charlotte May.
- Q Is she living? A Yes sir.
- Q What is she, a white woman? A No sir.
- Q A negro? A Yes sir.
- Q Does she claim to be an Indian? A No sir.
- Q You are not making any claim for her? A Yes sir, I reckon so.
- Q Well, she is not an Indian is she? A No.
- Q You are not making any claim for her? A No.
- Q She is a negro is she? A Yes sir.
- Q Have you any children? A Yes sir.
- Q Are they under twenty one years of age and unmarried? A One of them is.
- Q What is the name of the one that is under twenty one years of age and unmarried? A Glada Ester May.
- Q How old is she? A It is a boy.
- Q Well, how old is he? A He is eighteen years old.
- Q Are you making application for him as a Mississippi Choctaw?  
 A Yes sir.
- Q Is there any additional statement that you want to make in support of this application? A Sir?
- Q Anything more you want to say? A Well, I don't know sir, you will have to advise me and tell me something about what I am to say about it.
- Q You can make any statement that you want that you think will benefit your claim.
- Q Do you want us to go back and find out anything about my father's name?
- Q Do you know anything about it? A No sir, that is what I like to say I just like to prove it up and send it back in and give us information, prove it up. Where would I have to send it it to get you to write? A
- Q Muskogee, Indian Territory is the headquarters of the Commission.
- Q If I could prove up anything about his name then I would like to know where would I have to write?
- Q To Muskogee, Indian Territory.
- Q I would have to send it back?
- Q Yes provided that you do so within a reasonable time.
- Q Well, what time will it be before I will have to send it?



Q I don't know whether the Commission would accept anything more; that is for it to determine. You may submit any papers that you want to the Commission and they will determine whether they will receive and consider them.

Commission:

The decision of the Commission as to the application you make for the identification of yourself and your child as Mississippi Choctaws will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes taken in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 17th day of December, 1900.



Acting Chairman.

COPY.

M.C.R. 1108.

Muskogee, Indian Territory, July 28, 1902.

Isaac May,

Sartinville, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James May, et al., embracing the following applications for identification as Mississippi Choctaws:

James May, et al.,  
Isaac May, et al.,

M.C.R. 1108  
" 1108

These applications were made under the provision of the Act of Congress of June 20, 1900 (31 Stat. 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

I N 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James May, Melina May, Nora May, Joseph May, Bismarck May, Dennis May, Willie May, Isaac May and Gladys Water May as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 1108.

COPY.

Muskogee, Indian Territory, September 6, 1908.

James May,

Spartanville, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of August 1908, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James May, et al., of which decision you were duly advised by registered mail on the 25th day of July, 1908.

Yours truly,

JAMES BIRBY,  
Acting Chairman.

No. 1108

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Isaac May.

Age 46. Blood  $\frac{1}{2}$

Post Office, Sartineville, Miss.

Father: Billy Indian - dead.

Mother: Melilah Hammous - ✓

Claims through father.

WIFE:

Charlotte May - ✓  
(No claim for wife).

Children:

M. Cloia Ester May 18.

Stenographer,

Anna Bell.

Choc MCR 1107 William Hawkins

MCR 1107



MISSISSIPPI CHOCTAW

*William Hawkins  
et al*

IDENTIFIED

DECISION RENDERED. FEB 1 1 1903

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKSAW NATIONS. FEB 2 1 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 1 1 1903



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----oOo-----

The record herein is in the matter of the application  
of William Hawkins, et al., for identification as  
Mississippi Choctaws-----M.C.R. 1107 .

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the appli ation of William Hawkins,  
et al., for identification as Mississippi Choctaws, M.C.R. 1107

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Affidavit of R. C. Cowan, E. B. George, Thos.J. George and G. C. Robertson in support of above application	4
Decision of the Commission identifying William Hawkins, et al., as Mississippi Choctaws	5

R1107

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application of William Hawkins for identification of himself and wife as Mississippi Choctaws. William Hawkins being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A William Hawkins.  
Q What is your age? A Thirty eight.  
Q What is your post-office address? A Hattiesburg.  
Q Where do you live? A I live right near here? Three miles from here.  
Q How long have you lived in Mississippi? A All my life.  
Q You were born in Mississippi were you? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q What is your father's name? A Lewis Hawkins.  
Q Is he living? A No sir.  
Q What is your mother's name? A Nancy.  
Q Is she living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood or were they both Choctaw Indians? A Yes sir.  
Q Both full bloods? A Yes sir.  
Q Then you claim to be a full blood do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No. I don't understand it.  
Q Did you or did any one in your behalf make application in the year 1896 to this Commission for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by judgment of the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw nation in the Indian Territory or to the authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A No sir.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Are you making your claim as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.  
Q What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw Tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians. A My father's father's name was William Hawkins.  
Q What was your father's mother's name? A Mandy.  
Q What was the name of your mother's father? A Esteubba.  
Q What was the name of your mother's mother? A Jennie.  
Q Have you any evidence showing that you are a direct lineal descendant of any one of these people? A I can't understand.  
Q Did either your grand fathers, or your mother or father, signify to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratification of this treaty his or her intention to remain and become a citizen of the United States? A I can't understand you.

William Hawkins 2

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I can't understand.

Q Do you mean you can't understand or you can't tell. You understand what I say don't you? A Yes sir.

By Mr. Hudson.

Q Did any of your people ever get any land here from the government? A Yes sir.

Q Who was it? A My grand father.

By the Commission.

Q What was the name of this grand father of yours that got land from the government? A William Hawkins.

Q Do you know how much land he got or where he got it? A No sir.

Q Have you got the original patent or certified copy of the same to offer in evidence? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Jane Hawkins.

Q Are you making any claim for her? A Yes sir.

Q How old is she? A Thirty one.

Q Is she a Choctaw Indian? A Yes sir.

Q What is the name of her father? A Jake Thomas.

Q Is he living? A No sir, he's dead.

Q What is the name of her mother? A Mary.

Q Is she living? A No sir.

Q Were they both Choctaw Indians? A Yes sir.

Q Full bloods? A Yessir.

Q Your wife then is a full blood Choctaw Indian? A Yes sir.

Q Is your wife's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I can't understand.

Q Has your wife ever been in the Indian Territory? A No sir.

Q Did she ever send her name over there for enrollment? A No sir.

Q Did you ever hear her name was on any of the rolls of the Choctaw Nation? A No sir.

Q Did your wife ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No sir.

Q Did she or any one in her behalf make application in the year 1896 to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Has she ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A I don't know.

Q Has she ever prior to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A I can't understand.

Q Is it now your purpose to make application in her behalf for identification as a Mississippi Choctaw? A Yes sir.

Q Are you claiming for her as a beneficiary under the provisions of the fourteenth article of the treaty of 1830? A I can't understand you.

Q You are claiming for her the same way that you are for yourself, aren't you? A Yes sir.

Q What was the name of her ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? (No answer.)

Q Did you ever hear about the treaty of Dancing Rabbit Creek? A No.

Q When did Jake Thomas die? A About October.

Q This last October? A Yes sir.

Q How old a man was he? A About seventy years old.

William Hawkins 3

- Q Do you know what his father's name was? A Tom.
- Q Do you know the name of your wife's grand mother? A No sir.
- Q Did Tom Thomas have any Indian name? A No; not that I know of.
- Q Did Tom Thomas signify to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratification of the treaty of 1830, his intention to remain and become a citizen of the United States, so far as you know anything about it? You don't know whether he did or not, do you? A No sir.
- Q Did any of your wife's ancestors ever claim or receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I can't understand.
- Q You don't know anything about that I suppose? A No sir.
- Q Do you know whether any of your wife's ancestors ever received any land from the United States? A No sir, I don't know.
- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A No sir.
- Q Is there any additional statement which you desire to make in support of this application? A No sir.
- Q Have you any documentary evidence that you would like to offer at this time? A

Here L. P. Hudson attorney for applicant asks leave to file written evidence in support of this claim within thirty days from this date.

Upon careful consideration of the testimony offered in support of this application, the Commission will render its decision and you will be furnished with a copy of the same in writing mailed to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young.*

Subscribed and sworn to before me this 17th day of December, 1900.

  
Acting Chairman.

State of Mississippi.

*Perry*  
Green county.

§ 8

We the undersigned of the state of Miss. and the county of *Perry* Green being each for ourselves first duly sworn depose and say that we are well and personally acquainted with William Hawkins a resident of the state of Miss. and county of *Perry* Green and have known him for many years long past; that the said William Hawkins is without doubt a fool blood Miss. Choctaw Indian and has been so recognized by the citizens of this county and state all his life time by the white people and the Indians of this vicinity.

We further state that we are informed and believe that the said William Hawkins appeared before the Commission to the five civilized tribes at Hattiesburg, Miss. on the 17th day of Dec 1900.

*R. G. Lowman. Treas Perry Co*

*E. B. George*

*J. H. George (all other and)*

*M. G. Robertson Jr*

Subscribed and sworn to before me this *18* day of Dec. 1900.

*John M. Ferguson*

Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of William Hawkins,  
et al., for identification as Mississippi Choctaws---M.C.R 1107

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 17, 1900, by William Hawkins for himself and his wife, Jane Hawkins, under the following provision of the act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both of said applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw



1107  
New York

**FILED**  
JAN 9 1901  
**COMMISSION TO FIVE TRIBES.**

Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that William Hawkins and Jane Hawkins should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying William Hawkins, and his wife Jane Hawkins, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such pretest as you desire to make against the action of the Commission in identifying the said William Hawkins, and his wife, as Mississippi Choctaws, and make satisfactory proof of service of said pretest upon the applicants herein.

If you fail to file such pretest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
(SIGNED)

Registered.  
Enc. W.C.B. 19.

*Tame Bixby.*  
Acting Chairman.

RECEIVED MARCH 11 1903

Muskogee, Indian Territory, March 11, 1903.

COBA

M.C.R. 1107

COPY.

Muskogee, Indian Territory, March 11, 1903.

William Hawkins,  
Hattiesburg, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Jane Hawkins, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*James Birby*

Chairman.

Registered

Enclosure 1107

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

- - - - oOo- - - -

In the matter of the proof of settlement within the Choctaw-Chickasaw country, Indian Territory, of William Hawkins and his wife, Jane Hawkins, Mississippi Choctaw card #276, Mississippi Choctaw roll Nos. 825 and 826.

It appears from the record herein that William Hawkins and his wife Jane Hawkins, were duly identified by the Commission to the Five Civilized Tribes as full blood Mississippi Choctaws, on February 14, 1903, their names appearing upon a schedule of duly identified Mississippi Choctaws prepared by the Commission to the Five Civilized Tribes and submitted to and approved by the Secretary of the Interior, April 7, 1903, opposite numbers 825 and 826 respectively.

It further appears from the record herein that the said William Hawkins with his wife, Jane Hawkins, removed from the state of Mississippi to the Choctaw Nation, Indian Territory, January 1, 1903; that he established a bona fide residence in the Choctaw-Chickasaw country and for the purpose of making proof thereof appeared before the Chickasaw Land Office at Tishomingo, Indian Territory, in the month of August, 1903, and at that time was unable to make his proof of settlement on account of the large number of applicants then appearing before that office; that he again appeared at the Chickasaw Land Office at Tishomingo, Indian Territory, in the month of November, 1903, for the same purpose, when he was again deterred from making such proof on account of the number of persons then appearing before the officials of that office, and he again returned to the Chickasaw Land Office of the Commission on March 16, 1904, when his testimony was taken relative to the removal to and settlement within the Choctaw-Chickasaw country by himself and his wife, Jane Hawkins.

Inasmuch as the applicant in good faith on two occasions endeavored to make proof of the removal to and settlement by himself and wife in the Choctaw-Chickasaw country within one year from the date of their identification by the Commission to the Five Civilized Tribes as Mississippi Choctaws, I am of the opinion that such proof as made by them, on March 16, 1904, should be received and considered as of such force and effect as to be conclusive of the submission of such proof of removal and settlement made within one year from the date of their identification, and it is therefore hereby ordered that such proof of settlement made by

-2-

William Hawkins for himself and his wife, Jane Hawkins, on March 16, 1904, is conclusive evidence of their removal to and settlement within the Choctaw-Chickasaw country within six months from the date of their identification by the Commission to the Five Civilized Tribes and proof of such removal and settlement within one year from the date of said identification.

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory.

Apr -8 1904

COPY

M.C.R. 1107.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying William Hawkins, and his wife Jane Hawkins, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said William Hawkins, and his wife, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Enc. V.C.B. 19.

*James Bixby*  
Acting Chairman.



M.C.R. 1107

COPY.

Muskogee, Indian Territory, March 11, 1903.

*Remailed to Ardmore I.T.*  
*4/24/03*

William Hawkins,

Hattiesburg, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Jane Hawkins, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGN

*Jane Bixby.*  
Chairman.

Registered

Enclosure 1107

M C R 1987  
M C R 1130  
M C R 1107

Muskogee, Indian Territory, March 14, 1903.

J. B. Jackson,

Shady Point, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, relative to the Mississippi Choctaw families of Billy Hawkins, John Parker and William Hawkins. You state that one Spencer Cooper was enrolled at Decatur, Mississippi, with the family of William Hawkins.

In reply you are informed that on February 14, 1903, the Commission rendered its decision identifying Billy Hawkins and his two minor children, Jorden and James Hawkins, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw-Chickasaw country, Indian Territory. On March 11, 1903, he was duly notified by registered mail of the action of the Commission and a copy of the decision of the Commission forwarded him.

In your letter you state that Billy Hawkins and family are now residents of Shady Point, Indian Territory, and you are informed that Billy Hawkins will have six months from August 14, 1903, within which to make proof of removal and settlement within the Choctaw-Chickasaw country. Such proof can be made at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo,

J. B. J. 2

Chickasaw Nation, Indian Territory.

Relative to the cases of John Parker and family and William Harkins and family, the Commission has not yet reached any opinion or decision relative to their rights to be identified as Mississippi Choctaws. It is expected, however, that a decision will be rendered in the near future, and the applicants will be duly notified of the action of the Commission.

You are further advised that a careful search of the records of the Commission has been made and it is not found that any person by the name of Spencer Cooper is an applicant to this Commission for identification as a Mississippi Choctaw, and it is suggested that he make personal appearance before the Commission at its office at Muskogee, Indian Territory, prior to March 25, 1903, and present his application. After this date the Commission cannot receive or consider applications for identification as Mississippi Choctaws.

Respectfully,

Chairman.

Maakegee, Indian Territory, August 31, 1904.

Mansfield, McFarray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th instant, asking the status of William and Jane Hawkins, full blood Mississippi Choctaw Indians, identified by the Commission as such by a decision dated February 14, 1903.

In reply you are informed it appears from our records that William and Jane Hawkins were identified as full blood Mississippi Choctaw Indians on February 14, 1903, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 841). Their names appear opposite numbers 825 and 826, respectively, on a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on April 7, 1903.

You are further advised that inasmuch as the 41st section of the Act of Congress above referred to specifically provides that duly identified Mississippi Choctaws must submit proof of their removal and settlement within one year from the date of their identification as such, and no proof of this character having been furnished by William and Jane Hawkins, the Choctaw and Chickasaw

N. M. A. C. 2

Land Offices have been instructed to permit no selection or allotment of the lands of the Choctaw and Chickasaw Nations by or for William and Jane Hawkins.

Respectfully,

Chairman.

No. 1107

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name William Hawkins

Age 38 Blood Full. Choctaw.

Post Office, Hattiesburg, Miss.

Father: Lewis Hawkins. Dead.

Mother: Nancy Hawkins. Dead.

Claims through Both father and mother

31.

Wife: Jane Hawkins. (Full blood. Choctaw.)

Father: Jake Thomas Dead

Mother: Mary " Dead

Children:

No children.

Stenographer:

Myra Young.



Choc mcr 1108 James May

see mcr 1106

mcr 1108



*James May, et al*  
**REFUSED**

**DECISION RENDERED. JUL 25 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 25 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 25 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 25 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**AUG 25 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP - 5 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**SEP - 5 1902**

**REFER TO M. C. R. 1106.**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----;-----

In the matter of the application of James May, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of

James May, et al.,  
Isaac May, et al.,

M C R 1108  
M C R 1106

List of papers forwarded to the Secretary of the Interior  
with the record in the above case, together  
with the page occupied by each  
in said record.

	Page.
Original application of James May, et al., for identification as Mississippi Choctaws.	1

Original application of Isaac May, et al., for identification as Mississippi Choctaws.	3
---	---

Final decision of the Commission in the con- solidated case of James May, et al., applicants for identification as Mississippi Choctaws, refus- ing such application.	6
--	---

J. R. B.  
C. W. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James May, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of

James May, et al.,  
Isaac May, et al.,

M C R 1108  
M C R 1106

--: D E C I S I O N :--

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by James May for himself and his six minor children, Rueline, Dora,  
Joseph, Bismarck, Dennis and Willie May, and by Isaac May for  
himself and his minor child, Glada Ester May, under the following  
provisions of the act of Congress approved June 26, 1898, (30 Stat.,  
495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded  
September twenty-seventh, eighteen hundred and thirty,  
and to that end may administer oaths, examine witnesses,  
and perform all other acts necessary thereto and make  
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Billy Indian, who is alleged to have been a full blood Choctaw.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

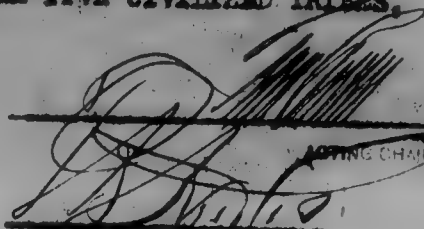
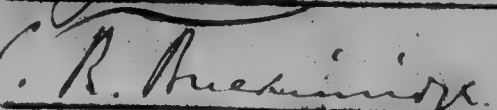
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Billy Indian, or a line remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 313).

It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of

8.

James May, Baseline May, Dora May, Joseph May, Bismarck May, Dennis May, Willie May, Isaac May and Clara Ester May as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
ACTING CHAIRMAN.  
  
\_\_\_\_\_  
C. R. Bushmire

Muskogee, Indian Territory.

Commissioners.

JUL 25 1902

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land

Washington, August 11, 1902.

45109--1902.

The Honorable

The Secretary of the Interior.

Sir:-

There is submitted herewith for your consideration report of the Commission to the Five Civilized Tribes of July 24th, transmitting record in the matter of the application of James May, for the identification of himself and his six minor children, Emeline, Dora, Joseph, Bismark, Dennis and Willie; and of Isaac May for the identification of himself and minor child, Clada Ester May as Mississippi Choctaws. These parties claim to descend from one Billy who is alleged to have been a Choctaw Indian living in Mississippi in 1830. The testimony so far taken in this case is not sufficiently explicit to enable this office to say whether the ancestor of these claimants was actually a 14th article Mississippi Choctaw.

The record of this office with reference to the Mississippi Choctaws show that Kash-con-an-che-hubbee a head of a family was also known as Billy John; that Ah-pe-la, a head of a family was also known as Big Billy; that there were also children named Billy as

fellows: A son of Hek-la-hena; a son of Thock-o-fa-tubbee and Wahli or Billy; a son of Chu-wah-te-ah. There were also the following persons named William who were the children of parents who were claimants under the 14th article of the treaty of 1830: William, parent, Ha-cubbee; William, parent, Pis-ah-tik-ubbee, the parent being a minor at that time and the child having been born subsequent to 1830; William, parent, Tith-le-le-hoka, the mother having been a minor and the child born subsequent to 1830; Willie, parent, Jim Tom, born after the treaty; William, parent, Sah-mon-gay, the parent having been a minor in 1830, and the child born subsequent to that time; William, parent, Im-ubbee; William, parent, Ah-took-ko.

In view of the fact that the claimants assert their rights to enrollment on their descent from one Billy and the unsatisfactory condition of the record with reference to the identification of the particular Billy from whom they descend, this office is not satisfied to make a recommendation with reference to this case without a further opportunity having been given the parties to endeavor to clearly connect themselves with one of these parties named from whom they may have descended.

I therefore recommend that this case be returned to the Commission with instructions that the parties be called upon to furnish additional evidence with reference to their ancestor which will with greater certainty enable this office and the Department to say whether they are or are not actually descended from one of these 14th article Mississippi Choctaws.



Very respectfully,

Your obedient servant,

A. C. Towner,

Acting Commissioner.

E. B. H. (E.)

D.C. 14064-1902.

50928

J.W.H.

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DEPARTMENT OF THE INTERIOR.

Washington,

I. T. D. 4896-1902.  
File 896-1898.  
L. R. S.

August 25, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen;

July 25, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of James May (M.C.R. 1108), for himself and his six minor children, Emeline, Dora, Joseph, Bismark, Dennie and Willie; of Isaac May for himself and minor child, Glada Ester May, including your decision of said date refusing to enroll the applicants.

James and Isaac May are the principal applicants. They allege that their father, Billy Indian, was a full blood Choctaw Indian, and that he never removed from the state of Mississippi. Their mother, Delila Hammond, was a slave.

The whole record fails to show that any one of the applicants was ever admitted to citizenship in the Choctaw Nation or that the alleged ancestors above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

August 11, 1902, the Acting Commissioner of Indian Affairs furnished a report containing a list of persons having the names of Billy, William and Willie, together with their Indian names, who were beneficiaries under the fourteenth article of the treaty of September 27, 1830, and states in connection therewith:

"In view of the fact that the claimants assert their right to enrollment on their descent from one Billy, and the unsatisfactory condition of the record with reference to the identification of the particular Billy from whom they descend, this office is not satisfied to make a recommendation with reference to this case without a further opportunity having been given the parties to endeavor to clearly connect themselves with one of these parties named from whom they may have descended.

I therefore recommend that this case be returned to the Commission with instructions that the parties be called upon to furnish additional evidence with reference to their ancestor which will with greater certainty enable this office and the Department to say whether they are or are not actually descended from one of these 14th article Mississippi Choctaws."

It appears that James May was questioned and answered as follows, in regard to his ancestors:

"Q. Did he (your father) ever have any other name?  
A. Not that I know of. Q. Did he ever have any Choctaw Name? A. I never knew of it. Q. What was the name of your ancestor who resided in Mississippi and was a recognized member of the Choctaw tribe in 1830? A. I could not tell you; neither my grandmother nor grandfather, I could not tell you a thing about them."

The applicant, Isaac May, was also carefully questioned as to his ancestry, and it appears that he knows even less than his older brother in reference to the same.

Upon review of the whole record it is clear that these applicants have failed to establish their claims as Mississippi Choctaws, and in view of their extreme ignorance as to their ancestry, it is not believed that a further hearing would be of any

advantage or profit to them.

The Department finds no cause to disturb your decision, and the same is accordingly approved. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan  
Acting Secretary.

1 inclosure.

E. M. D.

MISSISSIPPI CHOCTAW

James May, et al

MCR 1108.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application of James May for the identification of himself and his minor children as Mississippi Choctaws.

James May, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A James May.  
Q What is your age? A Fifty.  
Q What is your post office address? A Salisbury, Lawrence County, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Born here were you? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q What is your father's name? A Billy.  
Q Billy what? A Billy Indian is all I know.  
Q Did he ever have any other name? A Not that I know of.  
Q Did he ever have any Choctaw name? A I never knew of it.  
Q What is your mother's name? A Delila.  
Q Delila what? A It is May now, she used to go by the name of Hammond but it is May now.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A Half.  
Q Father a full blood Choctaw? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I guess not.  
Q Did you ever make application to the tribal authorities of the Choctaw Nation in Indian Territory for citizenship in the Choctaw Nation? A No sir.  
Q Did you make application to the Commission to the five Civilized Tribes for admission to citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the courts in Indian Territory? A No sir.  
Q Have you ever made any application prior to this time for either citizenship or enrollment in the Choctaw Nation? A No sir.  
Q This is your first application of any description? A Yes sir.  
Q You now make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to lands in Indian Territory under the provisions of the 14th article of the treaty of 1830? A I don't know sir, only my Indian blood.  
Q Do you claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.  
Q You are familiar with the provisions of that article of that treaty? A Yes sir.  
Q What was the name of your ancestor who resided in Mississippi and was a recognized member of the Choctaw tribe in 1830? A I could not tell you; neither my grandmother nor grandfather, I could not tell you a thing about them.  
Q Do you know whether your father's people or your father himself removed with the Choctaw Indians to the Indian Territory when the tribe removed there in 1830 to 35? A I think not, I don't think he ever moved there.  
Q Do you know whether your father or any of his ancestors ever signified to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain and become citizens of the

United States within six months after the ratification of the treaty of 1830? A No sir.

Q Did any of your ancestors ever receive or claim any lands in Mississippi under the 14th article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A ~~Martha Jane~~ Lisa Jane May.

Q Is she living? A Yes sir. I made a mistake right there in giving her name in, let me correct that please; it is Martha Jane.

Q Is she a negro? A Yes sir.

Q Making any claim for her? A No sir.

Q Where did you marry her? A Pike County, Mississippi.

Q Were you married by a minister? A Yes sir.

Q Got your marriage license and certificate? A No sir, haven't got them.

Q Anybody here that saw you married? A No sir, I don't suppose there is.

Commission:

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife, in the matter of the application for identification of your children.

Q What are the names and ages of your children? A The oldest one is named Emeline.

Q How old is Emeline? A She is twenty

Q The next one? A Dora.

Q How old is Dora? A She is nineteen years old.

Q And the next one? A The next one is a boy; his name is Joseph.

Q How old is Joseph? A Seventeen.

Q The next one? A Marcus.

Q Marcus? A Yes sir, Bismarck.

Q How old is Bismarck? A He is sixteen.

Q The next one? A Dennie, that is a girl.

Q How old is Dennie? A She is sixteen years old.

Q Dennie and Bismarck twins? A No sir, I made a mistake right there. I said Marcus was sixteen.

Q Yes. Is Bismarck sixteen? A Yes sir.

Q How old is Dennie? A Seventeen if I didn't make no mistake.

Q But Joseph is seventeen? A Well, Joseph is eighteen.

Q Now is that all of them? A No sir, there is another one. Willie.

Q How old is Willie? A He is nine years old.

Q You are the father of these six children? A Yes sir.

Q Martha Jane May is the mother of them? A Yes sir.

Q These children all live with you at your home? A Yes sir.

Q Is there any additional statement that you desire to make in support of this application? A No sir, I suppose not.

Q Any written evidence that you desire to submit to the Commission.

A No sir, I haven't got any with me.

Commission:

The decision of the Commission as to your application and the application you make on behalf of your six minor children for identification as Mississippi Choctaws will be mailed to you in writing to your present post office address

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled cause on December 17th, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 19<sup>th</sup> day of December, 1900.



REFER TO M. C. R. 1108

James May 1846

Consolidated Case

Billy Indian  
father of applicants

Velie Hammond  
slav  
mother of applicants

mlb R  
1104

James May 50 1/2

wife

Martha Jane May negro

mlb R  
1104

Emeline May 20

" Bora May 19

" Joseph May 18

" Wrennis May 17

" Remares May 16

" Willie May 9

mlb R  
1106

Isaac May 46 1/2

wife

Charlotte May negro

mlb R  
1106

Glada Ester May 9

COPY.

W.C.R. 1108.

Muskogee, Indian Territory, July 25, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James May, et al., embracing the following applications for identification as Mississippi Choctaws:

James May, et al.,  
Isaac May, et al..

W.C.R. 1108  
" 1108

These applications were made under the provision of the act of Congress of June 22, 1896 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

W. M. & Cornish 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James May, William May, John May, Joseph May, Richard May, George May, Miller May, Luke May and Eliza Peter May as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

COPY.

M.C.R. 1108.

Muskogee, Indian Territory, July 25, 1908.

James May,

Salisbury, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James May, et al., embracing the following applications for identification as Mississippi Choctaws:

James May, et al.,	M.C.R. 1108
Isaac May, et al.,	" 1108

These applications were made under the provision of the act of Congress of June 25, 1896 (29 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J M 2

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James May, Emeline May, Barn May, Joseph May, Bismarck May, Dennis May, Willie May, Isaac May and Glada Ester May as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him,

Yours truly,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M.G.R. 1108.

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of James May, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 25, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

James May, et al.,  
Isaac May, et al.,

M.G.R. 1103  
" 1106

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*I. B. Needles.*

Commissioner in Charge.

Through the Commissioner of  
Indian Affairs.

1 enclosure.



M.C.R. 1100

COPY

Muskogee, Indian Territory, September 8, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory

Gentlemen:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James May, et al., of which decision you were advised by mail on the 25th day of July, 1902.

Yours truly,

(BION F)

*James D. Pritchett*  
Acting Chairman.

N.C.R. 1108.

COPY.

Muskogee, Indian Territory, September 5, 1902.

James May,

Salisbury, Mississippi.

Dear Sir:

You are hereby advised that on the 25th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James May, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

RECEIVED

*James May*  
Acting Chairman.

No. 1108

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name James May.

Age 50. Blood 1/2

Post Office, Salisbury, Miss.

Father: Billy Indian - dead.

Mother: Melilah Hammous - ✓

Claims through Father

WIFE: <sup>Mary</sup> Liza Jane May -  
(No claim for wife).

Children:

Emeline May	20.
Nora	19.
Joseph	18.
Bismark	16.
Oennie	17.
Willie	9.

Stenographer:  
Anna Bell.

Choc mcr 1109 David Lewis

mcr 1109

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----

In the matter of the application of David Lewis,  
et al., for identification as Mississippi Choctaws

M.C.R. 1109

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of David Lewis  
et al., for identification as Mississippi Choctaws

M.C.R. 1109

-----  
----- I N D E X -----  
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Decision of the Commission identifying the applicants as Mississippi Choctaws	4

121109

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Application of David Lewis et al for  
Identification as Mississippi Choctaws.

David Lewis being first duly sworn by Acting Chairman Bixby,  
testified as follows:

By Mr. Bixby:

Q What is your name? A David Lewis.

Q What is your age? A 31 years.

Q What is your postoffice address? A Hattiesburg, Mississippi.

Q Where do you live? A I live three miles from here.

Q How long have you lived in Mississippi? (No answer.)

By Mr. Hudson, attorney for applicant:

Q Did you ever live anywhere else but in Mississippi? A Yes.

By Mr. Bixby:

Q Do you know how long you have lived in this state? Have you lived  
here all your life? Where were you born? A In Jasper county.

Q Have you lived in Mississippi ever since? (No answer.)

By Mr. Hudson:

Q Did you ever live anywhere else but in this state? A No sir.

By Mr. Bixby:

Q What is your father's name? A Lewis.

Q What other name had he? A I don't know.

Q Is he living? A No sir.

Q What is your mother's name? A Nancy.

Q Is she living? A No sir.

Q Were both your mother and father full blood Choctaw Indians? A Yes

Q You claim to be a full blood Choctaw, do you? A Yes sir.

Q Is your name on any of the rolls of the Choctaw Nation in the In-  
dian Territory? A (No answer.)

Q Were you ever in the Indian Territory? (No answer.)

Q You know where the Indian Territory is, don't you? (No answer.)

Q Do you know where the Indian Territory is? A Yes.

Q Were you ever over there? A Yes.

Q Where were you there? Ten years ago? Twenty years ago?

A I don't know.

Q Can't you tell? (No answer.)

By Mr. Hudson:

Q Lewis, were you ever up in the Indian Territory? A No.

By Mr. Bixby:

Q Did you ever send your name over to the Indian Territory? A No.

Q Then your name is not on any of the tribal rolls of the Choctaw  
Indians in the Indian Territory, is it? (no answer.)

By Mr. Hudson:

Q You never tried to get on the rolls in the Indian Territory, did you  
A No sir.

By Mr. Bixby:

Q Did you ever make application to the Choctaw tribal authorities in  
the Indian Territory for citizenship in the Choctaw Nation?

A (No answer.)

By Mr. Hudson:

Q You never went over there or tried to do anything, did you?

A No sir.

By Mr. Bixby:

Q Did you, or anyone on your behalf, make application in the year  
1896 to the Commission to the Five Civilized Tribes for citizenship  
in the Choctaw Nation, under the act of Congress of June 10, 1896?

A (No answer.)

By Mr. Hudson:

Q Did you go over into the Territory four years ago and make applica-  
tion over there? A No sir.



2-Lewis.

By Mr. Bixby:

Q Do you speak Choctaw? A Yes sir.

Joe Jeff, being first duly sworn as interpreter, interpreted for applicant Lewis:

By Mr. Bixby:

Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by a judgment of the United States Court for the Indian Territory, on appeal from the decision of the Choctaw tribal authorities, or the decision of this commission?

A No sir.

Q Have you ever, prior to this time, made application to either the tribal authorities of the Choctaw nation, or to the authorities of the United States, either for citizenship or enrollment as a Choctaw Indian?

By Mr. Hudson:

Q Did you ever go over to the Territory and try to get on the rolls, either the tribal rolls, or this commission? Did you ever go and try at all? A I can't understand that.

Q You never went to the Territory at all, did you? A No sir.

Q You never tried to get any Indian rights in any way before this, did you? A No sir.

Q You never made any attempt to do that at all, did you? A No sir.

By Mr. Bixby:

Q Is it now your purpose to make application for identification as a Mississippi Choctaw?

By Mr. Hudson:

Q Are you now trying to get on the rolls as a Mississippi Choctaw? Is that what you are here for? (No answer.)

By Mr. Bixby:

Q Do you want to be identified as a Mississippi Choctaw and get land in the Indian Territory? A Yes sir.

Q Are you making a claim as beneficiary under the provisions of the 14th article of the treaty of 1830?

Mr. Hudson to Interpreter: He wants to know if this man claims as a beneficiary (beneficiary means if something is coming to him) he wants to know if he is claiming under that treaty? Is that the treaty you are claiming under, Lewis? A Yes.

By Mr. Bixby:

Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830, at the time when the treaty was entered into between the United States and the Choctaw Indians? (No answer.)

By Mr. Hudson:

Q Do you know your father's name? A Yes.

Q Is he living? A No.

Q How long ago did he die? A I don't know.

Q A long time? A Yes.

Q Was he an old man when he died? A I don't know.

Q You know what your grandfather's name was? Your father's father?

A Yes:

Q What was your father's name? A Lewis.

Q You don't know his father's name? A No.

Q Your father always lived in Mississippi, and died here? A Yes.

Q Did he ever take any land here from the government? A I don't know.

By Mr. Bixby:

Q Did any of your ancestors signify to the United States Indian Agent of the Choctaw Indians in Mississippi, within six months of the ratification of the treaty of 1830, his or her intention to remain and become a citizen of the United States? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830?

A I don't know.

Q Ask him if he knows the name of any one of his grandparents, either on his mother's side or his father's side?

By Mr. Hudson:

Q What was his grandfather's name? A Estabby.

3-Lewis.

By Mr. Bixby:

✓ Q Was Estubby your father's father or your mother's father?

A I don't know

Q Do you know whether or not Estubby ever claimed or received any land in this state from the United States government? (No ans.)

By Mr. Hudson:

Q Did Estubby, your grandfather, ever have any land here in the state from the government?

By the Interpreter:

A He says he don't know.

By Mr. Bixby:

✓ Q Are you married? A Yes, I married but my wife dead.

✓ Q Was she a full blood Indian? A Yes sir.

Q Have you any children? A Yes, one.

Q You desire to make a claim for your child, do you? A Yes sir.

✓ Q What is your wife's name? A Alice.

✓ Q Do you know her father's name? A Tom Te ka la.

✓ Q Is he living? A Yes.

✓ Q Is he a full blood Choctaw? A Yes.

Q How old is he, about? A I don't know.

Q Do you know his father's name? A No.

Q Do you know the name of your wife's mother? A No.

Q Is she living? A I don't know.

Q You don't know anything about her, do you? A No.

Q You don't know whether your wife's father was living in Mississippi at the time the treaty of Dancing Rabbit Creek was negotiated? You don't know anything about that, do you? A No.

✓ Q What is the name of your child? A Emely.

✓ Q How old is Emely? A Two years old.

Q Does this child live with you? A Yes.

Q Is there any additional statement that you desire to make in support of this application? A No.

By Mr. Hudson:

Q You don't know of anything else to say, do you? A No.

By Mr. Bixby:

Q Have you any documentary evidence which you desire to offer at this time; that is, any papers?

Mr. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim within thirty days of this date.

By Mr. Bixby:

Upon a careful consideration of the testimony offered in this case, the commission will render its decision a copy of which will be furnished you in writing, mailed to your present postoffice address.

Memo. by Mr. Bixby: This man has the appearance of a full blood Indian

-----o-----  
Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 31<sup>st</sup> day of January, 1902.  
*December*

*Guy L. V. Emerton*  
Notary Public  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of David Lewis,  
et al., for identification as Mississippi  
Choctaws-----M.C.R. 1109

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 17, 1900, by David Lewis for himself and his minor child, Emely Lewis, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both the applicants are full blood Mississippi Choctaw Indians.

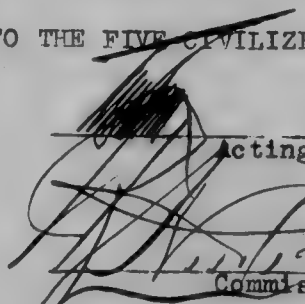
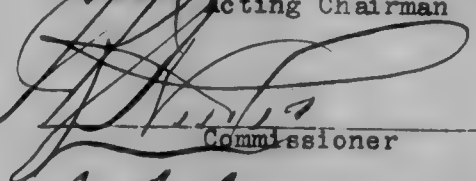
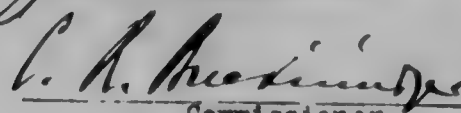
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved

July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw - Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that David Lewis and Emely Lewis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman  
  
Commissioner  
  
C. R. Anderson  
Commissioner

Muskogee, Indian Territory.

FEB 14 1903

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying David Lewis and minor child, Emely Lewis, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said David Lewis and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

Acting Chairman.

Enc. MT. 28

M.C.R. 1109

Muskogee, Indian Territory, March 11, 1903.

David Lewis,

Hattiesburg, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Emily Lewis, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Chairman.

Registered.

Enc. 1109

COPY.

M.C.R. 1109

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying David Lewis and minor child, Emely Lewis, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said David Lewis and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
(SIGNED)

*James Dixby,*  
Acting Chairman.

Registered.

Enc. MT. 28



M.C.R. 1109

COPY.

Maakegee, Indian Territory, March 11, 1903.

David Lewis,  
Hattiesburg, Mississippi.

*Remailed to Davis Lewis  
May 4/03*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Emely Lewis, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Jame Bixby.*  
Chairman.

Registered.

Enc. 1109

M C R 1109

Muskegee, Indian Territory, March 22, 1904.

Louis C. Leflore,

Soper, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 9, 1904, asking to be advised relative to certain persons adopting a Mississippi Choctaw girl about two years old, whose father, David Lewis, died March 4th, 1904.

In reply you are informed that if you will state the full name of this child, your communication will receive proper consideration.

Respectfully,

Commissioner in Charge.

No. 1109

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Davis Lewis

Age 31.

Bloodfull Choctaw

Post Office, Hattiesburg, Miss.

Father:

Lewis

Dead.

Mother:

Nancy

"

Dead.

Claims through

Wife: Alice Lewis. Dead.

Father: Tom Pitcata - Living

Mother: Don't know

Children:

1. Emily Lewis 2 yrs old.

Stenographer:

Mrs.

Francis Brown

*David Lee*  
IDENTIFIED

RECEIVED FEB 14 1903

COPIES FORWARDED  
DIRECTOR FOR CHOCTAW AND  
SEMI-NATIONS FEB 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choc MCR 1110 William Lee

MCR 1110

REFUSED

## DECISION RENDERED.

JUL 9 1902

**NOTICE OF DECISION MAILED APPLICANT.**

JUL 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHICKASAW NATIONS.

JUL 2 1902

RECORD FORWARDED DEPARTMENT.

JUL 28 1902

**ACTION APPROVED BY SECRETARY OF INTERIOR**

OCT 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT. OCT

OCT 31 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

~~SECRET~~

Ch. Johnson, Jr.

-  
DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application for identification as Mississippi Choctaws of William Lee and his minor children.

William Lee, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A William Lee.  
Q What is your age? A I don't know my age but I guess about fifty five anyhow.  
Q About fifty five? A Yes sir.  
Q What is your post office address? A At home?  
Q Yes sir? A Newton Station.  
Q Is that in Newton County? A Yes, that is in Newton County.  
Q Is that the post office? A Yes.  
Q How long have you lived in Mississippi? A About twenty five years, I reckon. I was born in Alabama.  
Q You have lived in Mississippi continuously for the past twenty five years? A Yes sir.  
Q Where did you live before that? A In Alabama in the same county where I was raised at.  
Q You were born in Alabama and resided there until you moved to Mississippi twenty five years ago? A Yes sir.  
Q What is your father's name? A Jim Lee.  
Q Is he living? A No sir, he is dead.  
Q What is your mother's name? A Sukey Dickson.  
Q Is she living? A No sir, she has been dead for years.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A My daddy was a white man; to go by what I hear say I can't prove that.  
Q Well how much Choctaw are you? A Well, I ~~xxxx~~ am what they call a quarteroon.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, I intended for my name to be sent out two or three years from Centerville--  
Q My question is, is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A This is the first time.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't understand.  
Q Did you make any application to the Dawes Commission in 1896, four years ago? A No sir not more than I just sent to Coney Hatter and gave him my name and he wrote it down but I never got no answer, I don't know what went with it.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory on appeal from the judgment of the Choctaw authorities or of this Commission? A No sir. I know what you mean, according to law; no sir.  
Q This is the first application you have ever made of any description  
A Yes sir that is so.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.



- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to lands in the Choctaw Nation under the fourteenth article of the treaty of 1830?
- A You are too hard for me; I don't understand.
- Q You are making application as a Mississippi Choctaw? A Yes sir.
- Q Are you claiming under the fourteenth article of the treaty of 1830? A That is it.
- Q What is the name of your ancestor who was a recognized member of the Choctaw tribe in Mississippi in 1830? A Are you talking about my mother's people?
- Q Yes. A I never knewed but one aunt, her name was Sallie.
- Q What was your mother's maiden name? A None.
- Q Her name before she was married? A She never was married, that is Dickson is, but her father's name? Went by her daddy's name.
- Q You don't know what her father's and mother's names were do you?
- A I know my mother's father, but I don't know nothing about my grandmother's father.
- Q Well, what was your mother's father's name? A His name was John
- Q John Dickson? A No, I am wrong, Bob Dickson.
- Q Was he a Choctaw Indian? A Yes sir.
- Q Full blood? A I suppose so far as I know; that is what they say.
- Q Do you know anything about his residence in Mississippi from 1830 to 1840? A No sir, that is too far back.
- Q Do you know whether he was living in Mississippi then? A I don't know the number of years.
- Q Where did he die? A Oh, my grandmother and my mother both died in Choctaw County.
- Q Did any of your mother's people ever remove to the Indian Territory?
- A No sir, not that ever I knowed of.
- Q Did any of them ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of this treaty?
- A No sir.
- Q Did any of them ever signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification of the treaty of 1830? A If they did, it is more than I know.
- Q Are you married? A No sir.
- Q Ever been married? A Oh yes, I have been married.
- Q How many times have you been married? A Twice.
- Q Have you any children? A Yes, I have got seven.
- Q How many children have you under twenty one years of age and unmarried? A Two.
- Q What are their names and ages? A I will have to give them just as near as I know how for I don't know how to give them exactly. One of them is fourteen years old; that is my baby.
- Q Let's get the oldest one first? A Well he is about eighteen.
- Q What is his name? A Green Lee. Green Lee is eighteen.
- Q What is the next one? A Robert Lee.
- Q How old is Robert Lee? A Fourteen.
- Q Who is the mother of these two children? A Ann Lee.
- Q Is she living? A Yes sir, I suppose so.
- Q Aint you living with her? A Oh, no, I aint living with her.
- Q Been divorced from her, A she has been away from me over twelve years.
- Q Been divorced from her? A No sir.
- Q Where is she? A She is away down here towards New Orleans. We married in Alabama and she left with me.
- Q Been living with another woman since then? A Yes sir, about a year or two ago.

- Q Have any children by this other woman? A No sir.
- Q Did you marry the other woman? A Yes sir.
- Q Without getting a divorce from your first wife? A yes sir, I have got authority from the officer.
- Q What officer? A The Justice of the Peace. The woman the same as married to another man that relieves me without divorce is what they told me right away he said, and I married another woman.
- Q Is Ann Lee, your first wife, the mother of these two children?
- A Yes sir.
- Q Was she a white woman? A No sir.
- Q What was she? A Negro.
- Q These children have negro blood? A Yes sir.
- Q Have you any negro blood? A No sir.
- Q How much of a negro was Ann Lee? A I don't know, she was mixed some way or another but I don't know how much or anything about it. I could not swear on that for I don't know.
- Q Is there any additional statement that you desire to make in support of this application? A What do you say?
- Q Anything more you want to say? A Yes, I want to know--
- Q Well just answer the question. Is there anything more you want to say in support of your claim? A I haven't got any more to say.
- Q Have you any documentary evidence in writing showing that your people have always been recognized Choctaws or that any of them ever complied with the provisions of the fourteenth article of treaty of 1830? A No sir.

Commission:

The decision of the Commission in regard to your application and the application you make for the identification of your ~~minor~~ two minor children will be mailed to you in writing to your present post office address.

(Appears to be about a half blood Choctaw.)

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 19 day of December, 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Atoka, I.T., March 14, 1901. M.C.1515.

In the matter of the application of Jacob C. Lee for identification for himself and his minor children as Mississippi Choctaws.

Jacob C. Lee, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission-

- Q What is your name? A Jacob C. Lee.  
Q What is your age? A Fifty.  
Q What is your post office address? A Wortham.  
Q Texas? A Yes sir.  
Q How long have you lived at Wortham? A About twenty three years.  
Q Where were you born? A Mississippi.  
Q Where in Mississippi? A Newton County.  
Q When did you remove from Mississippi? A 1865.  
Q Where did you go to? A Texas.  
Q And have lived since in Texas? A Yes sir.  
Q What is your father's name? A Jacob Lee.  
Q Is he living? A No sir.  
Q What is your mother's name? A My mother's name was Nancy Lee.  
Q Is she living? A No sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Was your father ever recognized by the Choctaw tribal authorities as a Choctaw Indian? A Yes sir.  
Q Did he ever live in the Indian Territory? A No sir.  
Q How could he have been recognized by the Choctaw tribal authorities?  
A He lived in Mississippi.  
Q You do not know whether he was recognized by the Choctaw tribal authorities in Mississippi; what do you know about that? A Yes sir.  
Q They had no tribal authorities in Mississippi? A I do not know as to that.  
Q I am asking you--do you know whether he has ever been recognized as a Choctaw Indian by the tribal authorities of the Choctaw Nation not in Mississippi, but in the Indian Territory? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No sir.  
Q Have you ever made application for citizenship in the Choctaw nation to the Choctaw tribal authorities? A No sir, not as I know.  
Q Have you ever made application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No sir.  
Q Did you ever make application to the Dawes Commission acting under the act of Congress of June 10, 1896, for either citizenship or enrollment in the Choctaw Nation? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of either the Dawes Commission or the Choctaw tribal authorities? A No sir.  
Q Is this the first application of any kind you have ever made?  
A Yes sir.  
Q Are you now seeking to be identified as Mississippi Choctaw? A Yes sir.  
Q Under what treaty are you making this application? A Treaty of 1830.

Jacob C. Lee-----2.

Q Under the whole treaty? A Under treaty of peace between the United States and the Choctaw Indians.

Q Under what part of the treaty of 1830? A Treaty of peace between the United States and the Indians.

Q Do you claim under any particular part of the treaty of 1830?

A Just treaty of 1830.

Q You claim under the whole treaty then? A No sir.

Q I have asked you that and you said yes--I want to know under what part of the treaty you claim? A I claim under the treaty made between the United States and the Choctaws.

Q I have asked you what part of the treaty you are claiming under, if you know? A It is a treaty of peace.

Q I do not care what kind of a treaty it was---what part of the treaty of 1830? A I do not probably understand what you are trying to get at?

Q Did you ever hear of article fourteen of the treaty of 1830 A Yes sir, article fourteen.

Q What does article fourteen provide? A It provides protection of citizenship in the United States.

Q What is the name of your ancestor under whom you claim the right to be identified as a Mississippi Choctaw? A My grandmother.

Q What is the name? A Annie Lee.

Q Did she live in Mississippi in 1830? A Yes sir.

Q Was she a full blood Choctaw? A No she was half.

Q Have you documentary of that fact? A Got some letters and affidavits.

Q Did she within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who then lived in Mississippi that she intended to remain in Mississippi, take land there and become a citizen of the United States? A I do not know. Not that I know of.

Q Did she come from the Mississippi to the Indian Territory when the other Indians came here between the years 1833 and 1837? A Not that I know of.

Q Was she a beneficiary under article fourteen of the treaty of 1830? A Not that I know of.

Q Did she comply in any way with the provisions of article fourteen? A I do not know.

Q Did she claim or receive any land in Mississippi as a beneficiary under article fourteen of that treaty? A Not that I know of.

Q Are you married? A Yes sir.

Q What is your wife's name? A Cynthia A. Lee.

Q Do you make any claim for her? A No sir.

Q Have you children you want to make claim for---under twenty one and unmarried? A Yes sir.

Q What is the name of the oldest? A William.

Q How old is William? A Sixteen.

Q The next? A Ray.

Q How old? A Fourteen.

Next? A Jessie D.

Q Boy or girl? A Girl.

Q How old? A Ten.

Q Next? A Jacob W.

Q How old? A Seven.

Q Any others? A Clairbel.

Q How old? A Two.

Q That is all? A Yes sir.

Jacob C. Lee-----2.

- Q Is Cynthia A. Lee the mother of these children? A Yes sir.  
Q You are the father? A Yes sir.  
Q She and you are living together as husband and wife. A Yes sir.  
Q And the children are living with you at your home? A Yes sir.  
Q And the basis of their claim is the same as yours? A Yes sir.  
Q Have you a marriage license and certificate you wish to introduce? A Yes sir.  
Q Do you wish time in introduce them? A Yes sir.

Twenty days time from the date hereof is allowed applicant in which to file documentary evidence in support of this application; also marriage license and certificate or certified copy thereof.

- Q Is there anything further you want to state? A No sir.

The Decision of the Commission in regard to this application which you make for identification for yourself and these minor children as Mississippian Choctaws will be mailed to you at your present post office address.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of March 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

*H. C. Risteen*

Subscribed and sworn to before me this 18 day of March 1901.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of William Lee, et al.,  
for identification as Mississippi Choctaws, M.C.R.1110.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
William Lee, et al.

	(Page)
Original application of William Lee, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Decision of the Commission denying the application of William Lee, et al., for identification as Mississippi Choctaws .....	1

-----0-----



J. F. W.  
C. J. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of William Lee, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1110.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by William Lee for himself and his two minor children, Green and Robert Lee, under the following provision of the act of Congress approved June 28, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Eze Dickson, who is alleged to have been a full blood Choctaw Indian.



(2)



It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bob Dickson, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 130) and August 23, 1842 (5 Stats., 315).

-2-

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Lee, Green Lee, and Robert Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1820, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
J. B. H. Davis  
  
C. R. McKim  
Commissioners.

Muskogee, Indian Territory.

JUL 28 1902

COPY.

N.O.N. 1166.

Muskogee, Indian Territory, July 28, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of William Lee, et al., applicants to the Commission for identification as Chickasaw Indians, including the decision of the Commission of July 22, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

T. B. Needles.

Through the Commissioner of  
Indian Affairs.

I enclose.

COPY.

B.S.B. 1110.

Washago, Indian Territory, July 28, 1908.

Wheelerfield, McMurray & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of William Lee, et al., applicants for identification as Mississippi Cheatews.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheatew Indians claiming rights in the Cheatew lands under article fourteen of the treaty between the United States and the Cheatew Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

W. H. H. 2 4 2

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Lee, Green Lee, and Robert Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

I. B. Needles.

COMMISSIONER

COPY.

E. S. R. 1110.

Muskogee, Indian Territory, July 28, 1902.

William Lee,

Newton, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Lee, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898 (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Lee, Green Lee, and Robert Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1832, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*I. B. Needles.*

COMMISSIONER IN CHARGE

Registered.



C o p y.

DEPARTMENT OF THE INTERIOR.

Land.  
45508--1902.

Office of Indian Affairs.

Washington, Oct. 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 28, 1902, from the Commissioner in charge of the work of the of the Commission to the Five Civilized Tribes forwarding the record relative to the application of William Lee, et al., for identification as Mississippi Choctaws claiming rights under article 14 of the treaty of 1830.

William Lee applies for the identification of himself and his two minor children, Green and Robert Lee.

On July 26, 1902, the Commission held that the parties above named were not entitled to identification.

The principal applicant in this case claims descent from his grandfather, Bob Dickson, through his mother, Sukey Dickson.

The applicants are not of full blood, and the records of the office do not show that any one by the name of Bob Dickson or Sukey Dickson received a patent to land under the 14th article of the treaty of 1830; that they complied or attempted to comply with the provisions of the said article of the treaty; or that they applied

--2--

to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if any they had.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,  
Your obedient servant,

A. C. TONNER,

Acting Commissioner.

G.A.W. (8).

D.C. 19877.

C o p y.

DEPARTMENT OF THE INTERIOR.

EAF.

W a s h i n g t o n, October 22, 1902.

ITD.6373-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 28, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of William Lee and his minor children, Green and Robert Lee.

The applicants endeavor to trace their descent from one Bob Dickson who is alleged to have been a full blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Bob Dickson or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application July 28, 1902.

Forwarding the papers October 13, 1902, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

1 inclosure.

Respectfully,

E. A. HITCHCOCK,  
Secretary.

M.C.R. 1110

COPY.

Waskagee, Indian Territory, October 31, 1902.

William Lee,

Newton, Newton County, Mississippi.

Dear Sir:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of William Lee, et al., of which decision you were advised by registered mail on the 28th day of July, 1902.

Respectfully,

(SIGNED)

*Tamm Dixby.*  
Acting Chairman.

M. C. R. 1110

COPY.

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of William Lee, et al., of which decision you were advised by mail on the 23rd day of July, 1902.

Respectfully,

(SIGNED)

*Lane Kirby.*  
Acting Chairman.

Armore, I. T., February 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

You will please deliver to J.O. Ralls, of Atoka, Indian Territory, any copies of the records in my case, that under the rule of law the Commission may give out to attorneys, as I have employed him to assist me in this case.

Witnesses:

H. Tappit

Benjamin Miller

Robert Lee

son of Mrs. Lee (dead)

Robert Lee also applied for his Bro Green.



Muskogee, Indian Territory, February 4, 1904.

Robert Lee, *✓*

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1904, in which you state that your father, William Lee, made application to this Commission for identification as a Mississippi Choctaw at Hattiesburg, also Meridian, Mississippi; that he moved to the Indian Territory in January, 1903, and died on the 9th of February. You now ask to be advised the status of your father's claim.

In reply you are informed that on October 22, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by William Lee for the identification of himself and two minor children, Green Lee and Robert Lee, as Mississippi Choctaws, of which departmental action William Lee was notified on October 31, 1902.

The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.



MUR 1110

Muskegee, Indian Territory, September 12, 1908.

Albert J. Lee,

Attorney at Law,

Armstrong, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, stating that you represent Robert Lee, a Mississippi Choctaw Indian, and desire to be informed as to the date upon which he and his father, William Lee, were identified by the Commission to the Five Civilized Tribes.

You ask if there has been any ruling by this office or by the Secretary of the Interior touching the right of a minor who, upon the death of his parent, being without friends and destitute, ignorant, and not of years of full discretion, fails to make proof of settlement within the time prescribed by law. You state that such is the case with the above named Robert Lee.

In reply you are informed it does not appear from the records of this office that any person by the name of William Lee or Robert Lee has ever been identified either as a full blood Mississippi Choctaw Indian or as a descendant of a beneficiary under the provisions of the 14th article of the Choctaw treaty of September 27, 1830.

Albert J. Lee    2

It does appear, however, from our records that on December 17, 1900, at Hattiesburg, Mississippi, one William Lee, then about fifty-five years of age, appeared before the Commission and made application for the identification of himself and two minor children, Green and Robert Lee, as Mississippi Choctaws.

On July 28, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing said application, and on the same date the record and decision in the case were forwarded to the Secretary of the Interior for his consideration. The Secretary affirmed said decision on October 22, 1902.

There are several persons upon our records by the name of William Lee and Robert Lee who have been refused identification as Mississippi Choctaws, and if the parties whose status is given above are not the persons concerning whom you desire information, and you will write this office more fully in the matter, your communication will receive proper consideration.

As to the question propounded in your letter of the 8th instant, you are advised that such a one would not arise in the case of the Robert Lee who was refused identification by the Commission to the Five Civilized Tribes on July 28, 1902, and this office cannot undertake to render opinions upon hypothetical questions.

Respectfully,

Acting Commissioner.

No. 1110

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name William Lee:

Age 55. Blood 1/4.

Post Office, Newton, Miss.

Father: Jim Lee - dead.

Mother: Lukey Nickson - dead.

Claims through mother

Children:

Green Lee 18.

Robert " 14.

MOTHER:

Ann Lee - ✓

Stenographer:  
Anna Bell.

Choc. mar John Alanson Forbes

See mar 1116-1119-1121-1282-1584

mar

1111

APPROVED FOR ACTION AS  
A MISSISSIPPI CHOCTAW.

*John Alanson Forbes et al*

**REFUSED**

DECISION RENDERED. AUG 28 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 28 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 28 1902

RECORD FORWARDED DEPARTMENT.

AUG 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 20 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 1116, 1119, 1121, 1282,  
1584

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application for identification of  
John A. Forbes and his eight minor children as Mississippi Choctaws.

John A. Forbes, having been first duly sworn, on his oath  
states as follows:

Examination by the Commission.

- Q What is your name? A John Alanson Forbes.  
Q What is your age? A Fifty seven.  
Q What is your post office address? A My post office address is in Louisiana.  
Q What is it? A Baldtown.  
Q Louisiana? A Yes sir.  
Q You live in Louisiana? A No sir.  
Q Where do you live? A I live in Mississippi.  
Q How long have you lived in Mississippi? A Well, I was born and raised right here.  
Q Lived here all your life? A Yes sir.  
Q Never made a residence elsewhere? A No sir.  
Q What is your father's name? A William Forbes.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Rebecca Forbes.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Mother.  
Q How much Choctaw blood have you? A Well, I don't hardly know; my grandmother was half Indian and my grandfather half ~~Indian~~ Choctaw  
Q You claim to be how much then yourself? A One eighth.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A My name?  
Q Yes. A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship as a Choctaw? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?  
A I had a brother up there and he lived there; he made an application in 1896.  
Q Did you? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or of this Commission? A No sir.  
Q Have you ever prior to this time made any application either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment in the Choctaw Nation?  
A No sir.  
Q This is your first application of any description? A Yes sir.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.  
Q Why do you believe that you are entitled to such an identification?  
A Well, I don't know, I think I am entitled to it. I never have had none and I think I am entitled to it.



- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Are you familiar with the provisions of that article of that treaty? A No sir.
- Q The treaty of 1830 was entered into between the United States and the Choctaw Indians then residents of the state of Mississippi, providing for the removal of the Choctaws from Mississippi to the country west of Arkansas, the present Choctaw Nation in Indian Territory; it provided, however, that those members of the tribe who did not want to go west could remain in Mississippi and become citizens of the United States, upon signifying their intention to the United States Indian Agent of the Choctaws in Mississippi. Now what was the name of your ancestor who was a resident of Mississippi and a recognized member of the Choctaw tribe of Indians at the time this treaty was entered into in 1830? A I don't understand.
- Q What was the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A That is my mother.
- Q Well, what was your mother's maiden name; her name before she was married? A Rebecca Evans.
- Q Was she a Choctaw Indian? A Yes sir.
- Q Was she recognized as such by the Choctaw tribal authorities in this state in 1830? A Well, I don't know that.
- Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Do you know whether your mother's ancestors, her father and mother, if they were recognized members of the Choctaw tribe in 1830, ever went to the Indian Territory or not? A No sir, I don't know.
- Q Do you know that your mother has always lived in Mississippi? A Yes sir.
- Q She never went to the Indian Territory? A No sir.
- Q Do you know anything about her parents? A Yes sir, I recollect her mother. She never went to the Indian Territory.
- Q Were they always recognized members of the Choctaw tribe in this state? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Eliza Ann.
- Q Is your wife a white woman? A Yes sir.
- Q Making any claim for her? A No sir, nothing.
- Q Where did she marry you? A I married her in Mississippi.
- Q When? A I married her in '74.
- Q Have you your marriage license and certificate with you? A Yes sir.
- Q Have them with you? A No sir.

Commission: It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of your application for the identification of your children.

- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Yes sir.
- Q What are their names and ages? A Rebecca Jane.
- Q How old is she? A She is twenty.
- Q All right, the next one? A Martha Louisa.
- Q How old is she? A Eighteen.
- Q All right sir, go right ahead. A Samuel Edward.
- Q How old is he? A Sixteen.
- Q All right sir, go right ahead, the next one? A Elmina Caroline.
- Q How old is she? A Fourteen.
- Q All right sir, go right ahead. A Tom Butler.
- Q How old is Tom? A He is twelve.
- Q All right sir. A The next one is John Alanson.



- Q How old is he? A Ten.  
 Q All right. A The next one Eliza Ann.  
 Q The same name as your wife's? A Yes sir.  
 Q How old is she? A She is eight.  
 Q All right. A Harry Hubbard.  
 Q How old is Harry? A He is six. That is all of them.  
 Q Are you the father of all these children? A Yes sir.  
 Q Is Eliza Ann Forbes your present wife, the mother of all of them?  
 A Yes sir.  
 Q Why You are living with her? A Yes sir.  
 Q They are all living with you? A Yes sir.  
 Q Is there any additional statement you desire to make in support of this application? A Well, I don't know sir.  
 Q Is there any documentary evidence that you desire to submit to the Commission?

There is offered in evidence, marked Exhibit "A", filed and made a part of the record in this case the affidavit of J. N. Forbes; also the affidavit of H. H. Johnson.

The decision of the Commission as to your application and the application you make on behalf of your eight minor children for identification as Mississippi Choctaws will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 19<sup>th</sup> day of December, 1900.



Acting Chairman.

**DEPARTMENT OF THE INTERIOR**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES**

In the matter of the application of John Alanson Forbes  
 et al., for identification as Mississippi Choctaws, consolida-  
 ting the applications of:

John Alanson Forbes et al.,	M.C.R.	1111
Francis Marion Forbes,	M.C.R.	1116
Martha Forbes	M.C.R.	1119
Adolphus Forbes,	M.C.R.	1121
William R. Forbes et al.,	M.C.R.	1134
Thomas Austin Forbes	M.C.R.	1282

List of papers forwarded to the Secretary of the Interior,  
 comprising the report in the consolidated case of

John Alanson Forbes et al.

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Affidavit of J. N. Forbes.....	4
Affidavit of H. H. Johnson .....	6
Affidavit of J. A. Forbes .....	7
Affidavit of James Michael Ball.....	9
Affidavit of J. W. Tynes .....	11
Affidavit of John Applewhite .....	13

Original application of Francis Marion Forbes before the Daves Commission for identification as a Mississippi Choctaw.....	14
Affidavit of F. M. Forbes.....	17
Affidavit of H.H. Johnson .....	19
Affidavit of James Michael Ball .....	21
Original application of Martha Forbes before the Daves Com- mission for identification as a Mississippi Choctaw.....	23
Affidavit of M. L. Forbes .....	26
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Original application of Adolphus Forbes before the Daves Commission for identification as a Mississippi Choctaw.....	32
Original application of William R. Forbes et al. before the Daves Commission for identification as Mississippi Choctaw* .....	34
Affidavit of H.H. Johnson and H.H. Forbes ...	38
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Original application of Thomas Austin Forbes before the Daves Commission for identification as a Mississippi Choctaw .....	42
Decision of the Commission denying the consolidated application of John Alanson Forbes et al. for identification as Mississippi Choctaws.....	45

*From  
C.O.W.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Alanson Forbes  
et al., for identification as Mississippi Choctaws, consolidate  
the applications of -

John Alanson Forbes, et al.,	M.C.R.	1111
Francis Marion Forbes,	M.C.R.	1116
Martha Forbes,	M.C.R.	1119
Adolphus Forbes,	M.C.R.	1121
William R. Forbes et al.,	M.C.R.	1204
Thomas Austin Forbes,	M.C.R.	1202

—1 DECISION —

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this  
Commission by John Alanson Forbes for himself and his eight minor  
children, Rebecca Jane, Martha Louisa, Samuel Edward, Elmina Caro-  
line, Tom Butler, John Alanson Jr., Eliza Ann and Harry Hubbard  
Forbes; by Francis Marion Forbes for himself; by Martha Forbes for  
herself; by Adolphus Forbes for himself; by William R. Forbes for  
himself and his minor child, Mary Edna Forbes; and by Thomas  
Austin Forbes for himself, under the following provision of the  
Act of Congress approved June 22, 1898, (30 Stat., 492):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Evans, and of one Liddie (or Lydia or Liddy) Evans, (nee Bushen), who are alleged to have been half-blood Choctaw Indians and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Evans or Liddia (or Lydia or Liddy) Evans, (not Eichen) or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheater Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 25, 1832, (5 Stats., 515).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alanson Forbes, Rebecca Jane Forbes, Martha Louisa Forbes, Samuel Edward Forbes, Elmina Caroline Forbes, Tom Butler Forbes, John Alanson Forbes Jr., Eliza Ann Forbes, Harry Hubbard Forbes, Francis Marion Forbes, Martha Forbes, Adolphus Forbes, William R. Forbes, Mary Eliza Forbes and Thomas Austin Forbes as Cheater



Indians, entitled to rights in the Custer lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

  
\_\_\_\_\_  
Acting Chairman  
\_\_\_\_\_  
Commissioner.  
\_\_\_\_\_  
Commissioner

McAlester, Indian Territory,

AUG 28 1902



William Evans 1/2  
Liddia Evans 1/2

William Forbes Deceased  
Rebecca Forbes Deceased  
nee Evans

John Mangon Forbes 57 1/2  
Elija Stan Forbes

Francis M Forbes 54 1/2  
Mary Forbes Deceased

Martha Forbes

Alfred Forbes Deceased  
Marinet Forbes

G. W. Forbes

W. R. Forbes

Abnera Jane Forbes 20  
Martha Louisa Forbes 18  
Samuel Edward Forbes 16  
Elmina Caroline Forbes 14  
Tom Butler Forbes 12  
John Alanson Forbes 10  
Elija Stan Forbes 8  
Harry Hubbard Forbes 6

William R. Forbes 28 1/2  
Ida Forbes  
Mary Edna Forbes 2

Adolphus Forbes 20 1/2  
Thomas Austin Forbes 18 1/2

# CHOCTAW ROLL. (NOT INCLUDING FREEDMEN.)

## STATEMENT OF PARENTS

NAME OF MOTHER

YEAR

COUNTY

REMARKS

DAVIS  
ROLL No.

REFER TO M. C. R. 1111

*John A Forbes*

*Consolidated Case*

William Evans /  
inf  
Liddia Evans /  
Died

William Forbes Died  
inf  
Rebecca Forbes Died  
nee Evans

x J. N. Forbes  
inf  
x M. A. Forbes

E. N. Forbes Died  
inf  
x M. E. Forbes

x J. A. Forbes 30

x Mollie Ella Forbes  
married  
x William H. Pittman

names father and  
mother not given

x Eddie Norton Pittman 10  
x Myrtle Maud Pittman 8  
x Joseph Henry Pittman 6  
x Alice May Pittman 3  
x Ruby Ella Pittman 1

x x E. A. Forbes 6  
x grandson of J. N. Forbes  
plaintiff

x E. E. Forbes

x M. S. Forbes

x Admitted by U.S. court  
Dawson Com No 447, Court 1111

COPY

M.C.R. 1111

Waskogee, Indian Territory, August 25, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Alanson Forbes, et al., embracing the following applications for identification as Mississippi Choctaws:

John Alanson Forbes, et al.,	M.C.R.	1111
Francis Marion Forbes,	"	1116
Martha Forbes,	"	1119
Adolphus Forbes,	"	1121
William R. Forbes, et al.,	"	1384
Thomas Austin Forbes,	"	1385

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alston Forbes, Rebecca Jane Forbes, Martha Louisa Forbes, Samuel Edward Forbes, Elmina Caroline Forbes, Tom Butler Forbes, John Alston Forbes Jr., Ellen Ann Forbes, Harry Hubbard Forbes, Francis Marion Forbes, Martha Forbes, Adolphus Forbes, William R. Forbes, Mary Ellen Forbes and Thomas Austin Forbes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tamm Dilling*  
Acting Chairman

COPY.

M.O.R. 1111

Muskogee, Indian Territory, August 28, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of John Alanson Forbes, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 28th, 1902.

John Alanson Forbes, et al.,	M.O.R. 1111
Francois Marion Forbes,	" 1116
Martha Forbes,	" 1119
Adolphus Forbes,	" 1181
William R. Forbes, et al.,	" 1284
Thomas Austin Forbes,	" 1282

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*James D. Kirby*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

1 enclosure.

*Returned  
to  
702  
Melamed*

REGISTERED  
OCT 7 1902  
HATTIESBURG, MISS.



Department of the Interior.  
Commission to the Five Civilised Tribes,  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
Penalty for private use, \$300.

*C. G. Mason*

*Hattiesburg  
Miss.*

*Atty at Law*

1792 1792 1883



SEP 1 - 1902

Hattiesburg, Miss



SEP 1 - 1902

W. J. O. B.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1111

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 28, 1902.

C. G. Mason,  
Attorney at Law,  
Hattiesburg, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of August, 1902,  
the Commission to the Five Civilized Tribes rendered a decision  
in the consolidated case of John Alanson Forbes, et al., embracing  
the following applications for identification as Mississippi  
Choctaws:

John Alanson Forbes, et al.,	M.C.R. 1111
Francis Marion Forbes,	" 1116
Martha Forbes,	" 1119
Adolphus Forbes,	" 1121
William R. Forbes, et al.,	" 1584
Thomas Austin Forbes,	" 1282

These applications were made under the provision of the  
act of Congress of June 28, 1898 (30 Stats., 495), which is as  
follows:

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior."

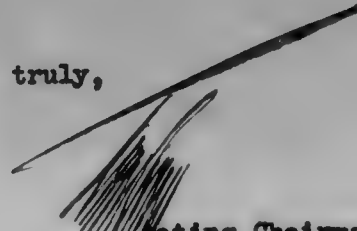
Said decision concludes as follows:

C. G. Mason-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alanson Forbes, Rebecca Jane Forbes, Martha Louisa Forbes, Samuel Edward Forbes, Elmina Caroline Forbes, Tom Butler Forbes, John Alanson Forbes Jr., Eliza Ann Forbes, Harry Hubbard Forbes, Francis Marion Forbes, Martha Forbes, Adolphus Forbes, William R. Forbes, Mary Edna Forbes and Thomas Austin Forbes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,



Acting Chairman.

Registered.

-:- C O-P Y -:-

Land,  
51,967-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of John Alanson Forbes for himself and his eight minor children, Rebecca Jane, Martha Louisa, Samuel Edward, Elmina Caroline, Tom Butler, John Alanson Jr., Elisa Ann and Harry Hubbard Forbes; by Francis Marion Forbes for himself; by Martha Forbes for herself; by Adolphus Forbes for himself; by William R. Forbes for himself and his minor child, Mary Edna Forbes, and by Thomas Austin Forbes for himself, as Mississippi Choctaws.

On August 28, 1902, the Commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

An examination of the record evidence shows that the applicants are not full blood and further shows that they are the descendants of Rebecca Forbes and through her of William Evans

and Liddia (or Lydia or Liddy) Evans, (nee Rushen) who, it is claimed lived in Mississippi in 1836 and through whom the applicants herein claim.

The office records have been examined and nowhere show that any persons by the name of William Evans or Liddia, Lydia or Liddy Evans ever complied with the provisions of the 14th article of said treaty or received a patent for land thereunder.

The record evidence in no way supports the claims of the applicants and the office therefore considers that the decision of the Commission herein should be affirmed, and so recommends to the Department.

Very respectfully,

W. A. Jones,

Commissioner.

(W.S.B.)

P.

-:- C O P Y -:-

D.C. 3243

ITD. 368-1903.

L.R.S.

FHE

J.W.H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

January 30, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 28, 1902, you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of John Alanson Forbes (M.C.R. 1111), for himself and his eight minor children, Rebecca Jane, Martha Louisa, Samuel Edward, Elmina Caroline, Tom Butler, John Alanson Jr., Eliza Ann and Harry Hubbard Forbes; of Francis Marion Forbes for himself; of Martha Forbes for herself; of Adolphus Forbes for himself; of William R. Forbes for himself and his minor child, Mary Edna Forbes, and of Thomas Austin Forbes for himself, including your decision of the same date to refusing to identify them as such.

These applicants are the descendants in the first, second and third degrees of one Rebecca Forbes, who was living in Mississippi in 1830. It is claimed that she was the daughter of William Evans and his wife Liddia (or Lydia) (or Lyddy) Evans, formerly Rushen, both of whom were residents of Mississippi and were 1/2 blood Choctaw Indians.

From your said decision it appears that you refused to identify the applicants as Mississippi Choctaws by reason of the fact that the records in your possession fail to show that any of their alleged ancestors complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with subsequent acts relating thereto.

Reporting in the matter January 14, 1903, the Commissioner of Indian Affairs states that the records in his possession fail to show that any persons of the name of William Evans or Liddia, Lydia or Liddy Evans ever complied with the provisions of the 14th article of said treaty of 1830, and recommends that the decision of the Commission be approved.

In the absence of any further testimony it must be held that the applicants have failed to establish their claims.

Your decision is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.



W013

Department of the Interior  
Commission to the Unsettled Tribes

FEB 1 1903

4 PM Office  
Penalty for non-payment, \$500.

RETURNED TO  
C. C. Massey  
Attorney at Law,  
St. Louis, Mo.

ATLIESBURG, MISSISSIPPI  
MAR 20 9 30 A

UNCLAIMED

RETURNED TO  
TO  
W. H. H.

ATLIESBURG, MISSISSIPPI  
FEB 21 9 30 AM 1903

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RECEIVED  
U. S. DEPT. OF THE INTERIOR,  
BUREAU OF THE LAND OFFICER, WASHINGTON, D. C.

FILED

MAR 23 1903

CHAIRMAN

Wm. O. B.

COMMISSIONERS

HENRY L. DAWES,  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1111

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 11, 1903.

C.G. Mason,

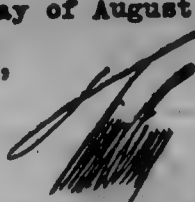
Attorney-at-Law,

Hattiesburg, Mississippi.

Dear Sir:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,



Acting Chairman.

COPY.

M.C.R. 1111

Muskogee, Indian Territory, February 11, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by mail on the 28th day of August, 1902.

Respectfully,

*Tamr Bixby.*  
Acting Chairmah.

COPY.

M.C.R. 1111

Muskogee, Indian Territory, February 11, 1902.

John Alanson Forbes,  
Balltown, Louisiana.

Dear Sir:

You are hereby notified that on the 30th day of January 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,

(SIGNED)

*Tamie Birby.*  
Acting Chairman.

No. 1111

For Identification as a Mississippi Choctaw.

Date

DEC 17 1900

Name *John A. R. Forbes.*

Age

*57*

Blood

*1/8*

Post Office, *Baltown Louisiana,*

Father: *William Forbes - dead,*

Mother: *Rebecca Forbes - dead*

Claims through *no other*

WIFE: *Eliza Ann Forbes.*  
(no claim for wife).

Children:

*Rebecca Jane Forbes 20*

*Martha Louisa " 18*

*Saml. Edward " 16*

*Elmina Kilarney " 14*

*Dom Butler " 12*

*John A. R. " 10*

*Eliza Ann " 8*

*Harry H. " 6*

Stenographer.

*Anna Bell.*

Choc MCR 1112 Frank Nicholas

See MCR 1113-1115-1117

MCR 1112



**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

-----0-----

In the matter of the application of Frank Nicholas, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications, of:-

Frank Nicholas, et al.,	M.C.R. 1118
Joseph Narcisse,	M.C.R. 1118
Clem Narcisse,	M.C.R. 1118
Almontine Thomas, et al.,	M.C.R. 1117

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

	(Page)
Original application of Frank Nicholas, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certified copy of the marriage record of Frank Nicholas and Mattie Washington-----	4
Joint affidavit of N. Grenier, et al.,-----	5
Affidavit of E. Dubuissen-----	6
Affidavit of Margaret Raborn-----	7
Copy of letter of the Commission addressed to Frank Nicholas, Pass Christian, Mississippi, asking for testimony in question of the application of his wife for identification as a Mississippi Choctaw-----	8
Affidavit of Frank Nicholas in interrogatory form-----	9
Original application of Joseph Narcisse to the Dawes Commission for identification as a Missis- sippi Choctaw-----	11
Affidavit of E. Dubuissen-----	12

Affidavit of Margaret Raborn-----	14
Original application of Glen Haroisse, to the Dawes Commission for identification as a Miss- issippi Choctaw-----	15
Certificate of W. Helley, George P. Brandt, and B. Laberanes, Asoline Courtenay and J. J. Courtenay-----	17
Certificate of K. L. Thornton-----	18
Affidavit of E. Dubuissen-----	19
Affidavit of Margaret Raborn-----	20
Original application of Almontine Thomas, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	21
Affidavit of E. Dubuissen-----	23
Affidavit of Marget Raborn-----	24
Decision of the Commission refusing the applica- tions in the consolidated case of Frank Nicholas et al., for identification as Mississippi Choctaws----	25

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Application for Identification as  
Mississippi Cheetaw Indians of Frank Nicholas et al.

Frank Nicholas being first duly sworn by Acting Chairman  
Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A My name is Frank Nichols.
- Q What is your age? A I don't know my age.
- Q About what is your age? A About 38 years.
- Q What is your postoffice address? A Pass Christian, Mississippi.
- Q Do you live at Pass Christian? A Yes sir.
- Q How long have you lived in Mississippi? A I was born and raised right in Pass Christian county.
- Q And have lived there all your life up to the present time? A Yes.
- Q What is your father's name? A Oviel Nicholas.
- Q Is he living? A No sir.
- Q How long has he been dead? A I don't remember how long.
- Q Do you know how old he was when he died? A No sir.
- Q What is your mother's name? A My mother's name--she had a French name, Celina.
- Q Is she living? A No sir.
- Q How long has she been dead? A As near as I can get at it, about fifteen years.
- Q How old was she at the time of her death? A I don't remember.
- Q Through which one of your parents do you claim Cheetaw blood?
- A My grandmother--mother's mother.
- Q What was the name of your mother's mother? A Betsy.
- Q What was her other name? A I don't know; that is all I know about her name.
- Q Was she a full blood Cheetaw? A Yes sir.
- Q How much Cheetaw blood do you claim to have? A MY mother was her daughter.
- Q By a white man? A No, by a colored man.
- Q Then she was half blood, your mother? A Yes, about half blood.
- Q And your father? A He didn't have no Injun blood at all; he was a colored man.
- Q Under what law was your mother and father married? Do you know?
- A No, I don't know.
- Q Do you know whether they were married or not? A Yes, they was married.
- Q Where were they married? A They must have been married in Pass Christian because my mother was born in Mississippi.
- Q Did you ever see the marriage certificate? A No, I was quite young when my mother died. I don't remember.
- Q You have no information of your own as to the marriage of your father and mother? A No sir.
- Q You just suppose that they were married? A Yes sir.
- Q You are about 1/4 Cheetaw and 3/4 negro? A Yes sir.
- Q Is your name on any of the tribal rolls of the Cheetaw nation?
- A I don't understand; what is the meaning of that?
- Q Have you ever been enrolled as a Cheetaw Indian in the Indian Territory? Is your name on any of the tribal rolls? A Not as I knew of.
- Q Did you ever make application to the Cheetaw tribal authorities in the Indian Territory for citizenship as a Cheetaw Indian? A No.
- Q Did you or anyone in your behalf, make application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Cheetaw nation under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Cheetaw Nation by a judgment of the United States court for the Indian Territory on appeal from the decision of the Cheetaw tribal authorities, or a decision of this Commission? (No answer.)

2-Frank Nichols.

- Q You have not had any case in the United States Court in the Indian Territory in your behalf in regard to application for citizenship?  
A No sir.
- Q Have you ever prior to this time, made application to either the tribal authorities of the Choctaw Nation or the authorities of the United States, for either citizenship or enrollment in the Choctaw Nation? A No sir.
- Q Is it now your intention to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830, at the time when the treaty was entered into between the United States and the Choctaw Indians? A I don't know.
- Q You don't know what the name of your mother's mother was? A No, I was quite young when she died, and I never knewed anything only she went by the name of Betsey.
- Q Do you know whether or not Betsey signified to the United States Indian agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, her intention to remain and become a citizen of the United States? A No sir, I was quite young when my grandmother died.
- Q Did Betsey or any of your ancestors, ever claim or receive land in Mississippi as beneficiary under the 14th article of the treaty of 1830? A No sir.
- Q You don't know whether or not your mother was living in 1830? A No.
- Q Are you married? A Yes sir.
- Q Are you making any claim on behalf of your wife? A Yes sir.
- Q Have you any children? A Yes sir.
- Q What is your wife's name? A I have been married twice. My first wife died.
- Q All I want to know is the name of the wife who is the mother of your children? A Her name was Aurelia Nichols.
- Q Was she an Indian? A Yes, I was told lots of times that her mother was a pure Indian.
- Q You was married to her, were you? A Yes.
- Q Have you your marriage certificate with you? A No, I have not.
- Q Do you know of your own knowledge anything about the Indian blood of your wife? The mother of these children? A No sir.
- Q Did she look like an Indian or a negress? A She certainly did.
- Q You don't know who her father or mother were? A I know her father was a white man.
- Q You don't know about her mother? A No sir.
- Q Didn't even know her name? A No sir.
- Q You don't know of your own knowledge whether her mother and father were married or not, do you? A No sir.
- Q What are the names of your children and their ages? A I have got a girl and boy. The boy is about 14 year of age, and my daughter is 17 years.
- Q What is the name of your daughter? A Rosaline Nichols, and the boy is Frank Nichols.
- Q Do these children live with you in your home? A Yes sir.
- Q Do you desire to make application for them? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Have you any documentary evidence that you would like to submit at this time?

Mr. Hudson, attorney for applicant here asks leave to file written evidence in support of this claim within thirty days of this date.

3-Frank Nichols,

By Mr. Bixby:

Upon a careful consideration of the testimony offered in this case, the Commission will render its decision, a copy of which will be furnished you in writing, mailed to your present postoffice address.

December 18, 1900.

Frank Nichols being recalled, testified as follows:

By Mr. Hudson:

- Q You are the same Frank Nichols that was on the stand yesterday, are you? A Yes sir.
- Q When you were on the stand yesterday, you testified that you were three-quarters negro and one-quarter Indian; that your father was negro; what is the fact in regard to that matter? A I think he was creole.
- Q What is the definition of that name? A Creole is mixed with white.
- Q About what proportion was your father? A He was about half white.
- Q And the other half negro? A Yes sir.
- Q Then when you stated you were  $3/4$  negro and  $1/4$  Indian in answer to the question by Mr. Bixby, that was not a fact? A That is a mistake I made.
- Q State to the Commission about what proportion white and what proportion Indian and what proportion negro you have? A My mother's mother was full blood Indian and my father was a creole--I guess that is about one-half white and the other negro.
- o-----

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th and 18th days of December, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes, of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 31st day of December, 1900.

*Guy L. Emerson*  
Notary Public.



COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank Nicholas, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:-

Frank Nicholas, et al.,	M.C.R. 1112
Joseph Narcisse,	M.C.R. 1113
Glen Narcisse,	M.C.R. 1115
Almontine Thomas, et al.,	M.C.R. 1117

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Frank Nicholas for himself, his wife, Aurelia Nicholas and his  
two minor children, Rosaline and Frank Nicholas; by Joseph Narcisse  
for himself; by Glen Narcisse for himself; and by Almontine  
Thomas for herself and her two minor children, Clarence and Alma  
Hortense Thomas, under the following provision of the act of Con-  
gress approved June 23, 1895 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that principal applicant Frank Nicholas, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Betsy (or Betsey), who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty; that his wife, Aurelia Nicholas, claims said rights by reason of being a descendant of Daresa Tomas, who is alleged to have been a full blood Choctaw Indian; that minor applicants in M.C.R. 1112, claim said rights by reason of being descendants of Betsy (or Betsey) and Daresa Tomas; that Joseph Narcisse in M.C.R. 1113, Clem Narcisse in M.C.R. 1115 and all the applicants in M.C.R. 1117, claim said rights by reason of being descendants of the said Betsy (or Betsey) and Valerie Barban, who is alleged to have been possessed of Choctaw blood, degree thereof not stated, and Colar (or Colin, or Nicholas) Narcisse (or Narciesse), who is alleged to have been an one-half blood Choctaw Indian.

It appears from the record in M.C.R. 1112 that at the time of the making of application, principal applicant Frank Nicholas, applied for his wife, Aurelia Nicholas, but it is shown by his affidavit in interrogatory form, filed December 15, 1902, that the said Aurelia Nicholas was dead at the time of making said application and such application for her identification in consequence, will not be considered.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).



It is found that the name Betsy appears on pages 243, 250, 616, 623, 625, 655, 738, 726 and 789, Volume I of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and also on page 1023 of Volume II of said record; the name Betsy also appears on pages 96, 108 and 137 of Volume VII, American State Papers, Public Lands; that the name Betsy appears on page 108 of said Volume VII, American State Papers, Public Lands, all of which citations are to certain lists, schedules and depositions relating to claims under the treaty of "Dancing Rabbit Creek." It further appears that a person bearing the name Betsy received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear from the evidence submitted by the several applicants herein that their ancestor Betsy (or Betsy), through whom they claim, is identical with the Betsy, or Betsy, or Betsy, who are mentioned in the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betsy (or Betsy), through whom these applicants claim, or Daresa Tomas, or Valeria Barban, or Colar (or Celia, or Nicholas) Narcisse (or Narcisse), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 22, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Nicholas, Rosaline Nicholas, Frank Nicholas, Jr., Joseph Narcisse, Clem Narcisse, Almontine Thomas, Clarence Thomas and Alma Hortense Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tame Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 5 1903

COPY.

M.C.R. 1112.

Muskogee, Indian Territory, February 5, 1903.

Frank Nicholas,

Pass Christian, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frank Nicholas, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank Nicholas, et al.,	M.C.R. 1112
Joseph Narcisse,	M.C.R. 1113
Clem Narcisse,	M.C.R. 1115
Almontine Thomas, et al.,	M.C.R. 1117.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Nicholas, Rosaline Nicholas, Frank Nicholas, Jr., Joseph Narcisse, Clem Narcisse, Almontine Thomas, Clarence Thomas and Alma Hortense Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days

P. H. # 2.

from the date hereof within which to file arguments in this office,  
and that at the expiration of said time the papers in the case,  
together with such arguments, will be forwarded to the Secretary  
of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*Tams Bixby.*  
Acting Chairman.

Registered.

---COPY.

M.C.R. 1112.

Muskogee, Indian Territory, February 5, 1903.

Mansfield, McMurray & Cernish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frank Nicholas, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank Nicholas, et al.,	M.C.R. 1112
Joseph Narcisse,	M.C.R. 1113
Clem Narcisse,	M.C.R. 1115
Almontine Thomas, et al.,	M.C.R. 1117.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Nicholas, Rosaline Nicholas, Frank Nicholas, Jr., Joseph Narcisse, Clem Narcisse, Almontine Thomas, Clarence Thomas and Alma Hortense Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*Tamie Bixby*

Acting Chairman.

D.C. 13355

C-O . . .

J.W.H

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

THE

I.TD 2724-1903

May 4, 1903.

IRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Frank Nicholas (M.C.R. 1112,) for himself, his wife, Aurelia Nicholas and his two minor children, Rosaline and Frank Nicholas; of Joseph Narcisse for himself; of Clem Narcisse for himself; and of Almontine Thomas for herself and her two minor children, Clarence and Alma Hortense Thomas, including your decision of February 5, 1903, refusing to identify them as such.

Reporting in the matter March 10, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved, with the suggestion, however, that the applicants be given an opportunity to furnish additional testimony in support of their hereinafter appearing connected with the fact claims, for reasons, that they are descendants of a Choctaw woman named Betsey..

Inasmuch as certain of these applicants are the children of one Hortense Narcisse, who it is claimed is a full blood Choctaw, and now living, it becomes necessary that you ascertain whether she has ever been identified by you as a full blood Choctaw, and if not, whether her application for identification as such was pending prior to March 25, 1903.

Another reason for further investigation is due to the fact that your report, as well as that of the Acting Commissioner, shows



that there were a number of persons named Betsey, or Batsey, who were entitled to receive the benefits of the 14th article of the treaty of September 27, 1830.

Such being the case it is possible that some one of them was identical in person with the Betsey who was the ancestor of these applicants. The Department therefore considers that further investigation should be had before final adjudication is entered in the case, and the same is remanded to you for appropriate action in accordance with the suggestions contained in departmental letter of April 2, 1903, so far as they are applicable, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R. 4964).

The record is returned, together with copy of the Acting Commissioner's letter.

Respectfully,

THOS. RYAN.

Acting Secretary.

2 inclosures.



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18440-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, March 10, 1903

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the consolidated case of Frank Nicholas, et al., for identification as Mississippi Choctaws including the decision of the Commission adverse to the applicants, rendered February 5, 1903.

The consolidated case embraces the applications of - Frank Nicholas, for himself, his wife, Aurelia Nicholas, and his two minor children, Rosaline and Frank Nicholas.

Joseph Harolise for himself.

Olem Harolise for himself.

Almontine Thomas, for herself and her two minor children, Clarence and Alma Mertense Thomas.

The Commission properly declined to consider the application of Aurelia Nicholas, for, as shown by the affidavit of Frank Nicholas, she was dead at the time said application was made.

It appears from the evidence that the applicants base their claims to rights under article 14 of the Choctaw treaty of 1830, on their alleged descent from Netay or Betsey, the grandmother of the principal applicant.

The Commission finds that the name Netay appears in several places in the record of the case of the Choctaw Nation vs. United

States; that the name of Betsey also appears on pages 96, 108 and 137 of Vol. VII, American State Papers, Public Lands; that the name Betsey appears on page 106 of said Vol. VII, and that it further appears that a person named Batsey received scrip as a beneficiary under article 14 of the treaty of 1830.

The Commission bases its decision rejecting these applicants on the ground that it does not appear from the evidence that the ancestor Betsey or Batsey through whom they claim is identical with the Betsey or Betsy or Batsey who are mentioned in the records cited by the Commission, and upon the further ground that the applicants have failed to prove that their ancestor, Betsey or Batsey, or an ancestor less remote complied or attempted to comply with the provisions of said article 14, or presented a claim to rights thereunder to either of the Commissions created by the Acts of March 3, 1837 and August 28, 1842, (5 Stat., 180-513).

An examination of the records of this office discloses the fact that there were five persons named Betsey who claimed rights under the 14th article, two of whom (Betsey the child of Thook-o-fa-tubbee and Betsey child of Oen-tan-tubbee), received scrip. The other persons of that name, were the children of rejected applicants for scrip, namely of Tus-con-chubbee, of Tick-a-~~Wanah~~, and of Tus-kn-hon-che-mah-tubbee.

It being found impossible with the evidence presented to identify the ancestor Betsey or Batsey, claimed by the applicants with any of the Betseys appearing on the records of the Commission, or of this office, it is recommended that the decision of the Commission re-

jecting the applicants be approved, with the direction, however, that the Commission notify the applicants that they will be given a certain length of time within which to produce further evidence of their descent from a 14th article Choctaw.

Very respectfully,

(SGD) A.C.TONNER.

Actg. Commissioner.

H.B.F. (G)

Muskogee, Indian Territory, May 13, 1903.

Frank Nicholas,

Pass Christian, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 4, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Betsy.

The Secretary of the Interior in his letter states:

"Inasmuch as certain of these applicants are the children of one Hortense Narcisse, who it is claimed is a full blood Choctaw, and now living, it becomes necessary that you ascertain whether she has ever been identified by you as a full blood Choctaw, and if not, whether her application for identification as such was pending prior to March 25, 1903.

Another reason for further investigation is due to the fact that your report, as well as that of the Acting Commissioner, shows that there were a number of persons named Betsy, or Batsey, who were entitled to receive the benefits of the 14th article of the treaty of September 27, 1830.

Such being the case it is possible that some one of them was identical in person with the Betsy who was the ancestor of these applicants."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of

article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of

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depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 15, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.



Muskogee, Indian Territory, May 13, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 4, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 13, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Frank Nicholas, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Frank Nicholas, et al.	M.C.R. 1112
Joseph Narcisse	M.C.R. 1113
Clem Narcisse	M.C.R. 1115
Almontine Thomas, et al.	M.C.R. 1117

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Tams Bixby.*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 1112

Muskogee, Indian Territory, July 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 21, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., together with its decision of February 8, 1903, refusing the applications for identification as Mississippi Choctaws of the several applicants included in said case.

With departmental letter of May 4, 1903, (I T D 2724-1903) the record in this consolidated case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on May 13, 1903, notified the several applicants that they would be allowed up to and inclusive of June 15, 1903, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On account of the work of the Commission being suspended on June 3, 1903, the record in said consolidated case was held until July 15, 1903, in order that the applicants might introduce

additional testimony if they so desired.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by them, the original record in said case, together with copies of notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

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D.C. 26985.  
ITD. 6632-1903.  
L.R.S.

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WOF.  
HAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, September 25, 1903.

Commission to the  
Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

July 16, 1903, you returned to the Department the record in the consolidated case involving the applications for identifications as Mississippi Choctaws, of Frank Nicholas, his wife, Aurelia Nicholas, and his minor children, Rosaline, and Frank Nicholas; of Joseph Narcisse; of Clem Narcisse; and of Almontine Thomas and her minor children, Clarence and Alma Hortense Thomas.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Betsy, and Daresa Thomas, and Valerie Barbon, and Golar Narcisse. Your decision rejecting the applicants was rendered February 5, 1903.

On May 4, 1903, the Department remanded the case to you, with the suggestion that the applicants be given an opportunity to furnish additional testimony in support of their claims, for the reason that the records of the Indian Office show that there were a number of persons named Betsy, who were entitled to receive benefits under the 14th, article of the treaty of September 27, 1830, and

further  
for the reason that certain of the applicants are children of one Hortense Narcisse who, it is claimed, is a full blood Choctaw now living, and you are requested to ascertain whether Hortense Narcisse had ever been identified by the Commission as a full blood Choctaw, and, if not, whether her application for identification as such was pending prior to March 25, 1903.

It appears that on May 13, 1903, you notified the several principal applicants that they would be allowed 30 days to introduce additional evidence in support of their application. It further appears that the record in the case was held until July 15, 1903, in order that the applicants might introduce additional testimony if they so desired.

In your letter of July 16, 1903, you state that during said time no appearance was entered by or on behalf of the applicants, and no additional testimony was offered by them. You fail to report <sup>as to</sup> whether or not Hortense Narcisse has been identified by the Commission, or had an application for identification pending. In view of the decision of the Attorney General, dated June 19, 1903, relative to the mixed blood children of full blood Mississippi Choctaw Indians, it becomes unnecessary that you make such report.

Reporting September 3, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department considers that the rights of the applicants have been duly protected, and your decision is affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

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48489.-1903.

COPY.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, Sept, 3rd, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit for your consideration letter of the Commission to the Five Civilized Tribes, returning record in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., wherein with Departmental letter of May 4th I.T.D. 2724-1903, the record in this case was remanded in order that the applicant might be granted further opportunity to introduce evidence.

In accordance with Departmental instructions, the Commission on May 13, 1903, notified the several applicants that they would be allowed up to and inclusive of June 15th, to introduce additional evidence in support of their applications for identification as Mississippi Choctaws.

On account of the work of the Commission being suspended on June 3rd, 1903, the record in this case was held 22 until July 15th, in order that the applicants might introduce additional testimony if they so desired.

No appearance having been entered by or on behalf of



the applicants up to and including July 15th, and no additional testimony having been offered by them, the original record in the case, together with copies of the notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations, is transmitted by the Commission.

The original record in this case shows that the applicants found their claims to identification upon their descent from a Choctaw woman named Betsey. The records of this office show that there were a number of persons by the name of Betsey who were beneficiaries under the Fourteenth Article of the Choctaw Treaty of 1830. This case was also returned to the Commission for the reason that certain of the applicants are children of one Hortense Narcisse, who it is claimed is a full blood Choctaw and now living, and the Commission was called upon to ascertain whether Hortense Narcisse had ever been identified by the Commission as a full blood Choctaw, and if not, whether her application for identification as such was pending prior to March 25th, 1905.

The original record in this case did not render it possible for this office to say whether these applicants were or were not descendants of one of the persons of the name of Betsey, who were beneficiaries under the Fourteenth Article

The applicants having been accorded an opportunity to submit further evidence, which may have resolved the doubt in this case in their favor, and having failed to enter an

appearance, tender additional evidence, or show reason why they were unable to comply, it is my judgment that the decision of the Commission rejecting them should be approved and I so recommend.

The Commission has not reported on the question submitted by the Department, as to whether Hortense Narcisse has been identified as a Mississippi Choctaw, or whether her application is or was pending before the Commission, but since a decision has been rendered by the Department on the question of mixed blood children of full blood parents, under the law relative to the identification of Mississippi Choctaws, the identification of Hortense Narcisse is secondary and would not probably affect the decision in this case.

Very respectfully,

W.A. Jones,  
Commissioner.

E.B.H.-L.C.

COPY

M.O.R.1112.

Muskogee, Indian Territory, October 7, 1903.

Mansfield, Mc Murray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank Nicholas, et al., of which decision you were advised by mail on the 5th, day of February, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

- COPY.

M.C.R.  
1112.

Muskogee, Indian Territory, October 7, 1903.

Frank Nicholas,

Pass Christian, Mississippi.

Dear Sir:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank Nicholas et al., of which decision you were advised by registered mail on the 5th, day of February, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

J. H. M.  
C. v. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Alexander, et al.,  
for identification as Mississippi Choctaws, M.C.R. 8992.

—: D E C I S I O N :—

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary Alexander for herself and her four minor children, Jimmy, Sidney, Henrietta and Annie Alexander, under the following provision of the act of Congress approved June 28, 1906 (34 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Henry Cottengin, who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henry Cottengin, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1897 (30 Stat., 100) and August 28, 1904 (33 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary



Alexander, Jimmy Alexander, Sidney Alexander, Henrietta Alexander and Annie Alexander, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tarns Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1907



# CHOCTAW ROLL.

(NOT INCLUDING FREEDMEN.)

COLLEGE OF PARENTS

NAME OF MOTHER

YEAR

COUNTY

REMARKS

DAWES  
ROLL No.

REFER TO M. C. R. 1112  
1278

Frank Nicholas  
~~Horace~~ Horace  
et al

Consolidated One

Being - full  
Dead

Valerie Barbarian  
1/2 choc  
1/2 Negro  
Dead

Celina or Selina 1/2  
married  
Oriel Nicholas  
Negro

Nicholas  
or  
Colon Narcine 1/2 choc  
1/2 Negro  
wife

Antenne or  
Antenne Narcine 60  
1/2  
Daughter of

Joseph Barbine Creole  
and  
Annette Marlaonion  
Full

Note conflict in oral testimony  
and affidavits

Frank Nicholas 38 1/4 choc  
1/2 Negro  
wife  
Aurelie Nicholas

Louise Nicholas 17  
Frank Nicholas 14

Joseph Narcine 27 3/4  
wife  
Name not given

Clara Narcine 25 3/4  
wife  
Nancy Narcine

Abouline Narcine 21 3/4  
married  
Frank Thomas

Clarence Thomas 2  
Alma Thomas 2 m

Muskogee, Indian Territory, February 4, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 25, inclosing affidavits and marriage license to be filed in the case of Frank Nicholas, who appeared before the Commission at Hattiesburg and made application for identification as a Mississippi Choctaw. The papers have been duly filed with the other records in this case.

Yours truly,

M. C. R. 1112

Muskogee, Indian Territory, December 15, 1902.

Frank Nichols,

Pass Christian, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your affidavit, offered for filing in support of the application made by you for the identification of yourself and two minor children, as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Acting Chairman.

No.

1113

For Identification as a Mississippi Choctaw.

Date

DEC 17 1900

Name Frank Nicholas

Age 38

Blood  $\frac{1}{4}$  Choctaw

Post Office, Pass Christian, Miss

Father: Oziel Nicholas. Dead

Mother: Rhina " "

Claims through mother.

Wife: <sup>1st</sup> Amelia Nicholas. Dead  
mother of his two children

Father: Don't know

Mother: " "

Children:

1. Rosaline Nicholas 17 yrs old
2. Frank " 14 yrs old

Stenographer:  
Frances Brown.

**REFUSED**

DECISION RENDERED

FEB 5 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 5 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 5 1903

RECORD FORWARDED DEPARTMENT

FEB 21 1903

DEMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING  
MAY 4 1903

RECORD FORWARDED DEPARTMENT

JUL 16 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

OCT 7 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

OCT 7 1903

SENT TO M. O. R. 1113-1115-1117

choc MCR 1113 Joseph Narcisse

see MCR 1112

MCR 1113



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Application for Identification as a Mississippi Choctaw of Joseph Narcisse.

Joseph Narcisse, being first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Joseph Narcisse.
- Q What is your age? A 27 years.
- Q What is your postoffice address? A Cuenavie, Mississippi.
- Q Where do you live? A I live over in Pineville in the Pass Christian.
- Q How long have you lived in Mississippi? A I have been born and raised here.
- Q Lived here all your life, have you? A Yes sir.
- Q What is your father's name? A My father was named Colar Narcisse.
- Q Is he living? A No sir.
- Q What is your mother's name? A Hortense Narcisse.
- Q Is she living? A Yes.
- Q Were either of your parents full blood Indians? A No, my mother's side is full blood, and my father's half Indian.
- Q What is the other half? A Colored man.
- Q Your father then, was negro and your mother an Indian? A Yes, his mother was full blood.
- Q Your father was half Indian and half colored man? A Yes sir.
- Q And your mother, you say, was a full blood Indian? A Yes sir.
- Q How much Choctaw Indian blood do you claim to have? A
- A I don't suppose I would be called any more than about 3/4.
- Q Do you claim your Choctaw Indian blood through your mother? A Yes.
- Q Is your name on any of the Choctaw tribal rolls of the Choctaw Nation in the Indian Territory? A No, not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation?
- A No sir.
- Q Did you or did anyone in your behalf, make application in the year 1896, to the Commission to the Five Civilized Tribes, for citizenship in the Choctaw Nation under the act of Congress of June 10, '96?
- A No, not that I know of.
- Q Have you been admitted to citizenship in the Choctaw Nation in the Indian Territory by a judgment of the United States court for the Indian Territory, on appeal from the decision of the Choctaw tribal authorities, or the decision of this commission? A No sir.
- Q Have you ever prior to this time, made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States, for either enrollment or citizenship as a Choctaw Indian? A No, I have not.
- Q Is it now your intention to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making any claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? Do you claim as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor who was a resident of the state of Mississippi, and a recognized member of the Choctaw tribe of Indians in 1830, at the time when the treaty was entered into between the United States and the Choctaw Indians? A I don't know, sir.
- Q What is the name of your mother's father? A Let me see now--I want to get it straight. Valerie; that is all I can give you.
- Q What is the name of your mother's mother? A I can't tell you, my mother didn't know.
- Q Was your mother's father living in 1830? A As near as I can tell you, I am not sure; it has been a good while he has been dead.
- Q How old was he when he died? A I don't know; I can't tell you his

2 Joseph Narcisse.

age.

- Q Did Valerie signify to the United States Indian agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, his intention to remain and become a citizen of the United States? A Well, sir, I can't tell you that.
- Q Did Valerie, or any of your ancestors, ever claim or receive any land in Mississippi, as a beneficiary under the 14th article of the treaty of 1830? A No, not that I know anything about.
- Q Are you married? A Yes sir.
- Q Are you making any claim on behalf of your wife? A No sir.
- Q Have you any children? A No sir.
- Q Is there any additional statement which you desire to make at this time in support of this application? A No sir.
- Q Have you any documentary evidence that you would like to offer in support of this application?

Here attorney Hudson, in behalf of applicant, asks leave to file written evidence in support of this claim within thirty days of this date.

By Mr. Bixby:

Upon a careful consideration of the testimony offered in this application, the commission will render its decision, a copy of which will be furnished you in writing, mailed to your present postoffice address.

-----0-----

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 31st, day of December, 1900.

*Guy L. V. Emerson*  
Notary Public.

Muskogee, Indian Territory, January 19, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 15, inclosing papers to be filed in the following applications for identification as Mississippi Choctaws:

1113 Joseph Narcisse, et al.

1115 Clem Narcisse.

1117 Almontine Thomas, et al.

The papers have been duly filed with the other records in the various cases.

Yours truly,

AB

Acting Chairman.

Muskogee, Indian Territory, December 7, 1901.

J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fourth instant, with which you inclose the affidavits of E. Dubuison, and Margaret Raborn, for filing in support of the application of Joseph Narcisse et al. for identification as Mississippi Choctaws. The same have been duly filed with the records in the above case, and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

MC 1113

M.C.R.1113.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Joseph Narcisse,

Cuevas, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frank Nicholas, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank Nicholas, et al.,	M.C.R. 1112
Joseph Narcisse,	M.C.R. 1113
Clem Narcisse,	M.C.R. 1115
Almontine Thomas, et al.,	M.C.R. 1117.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Nicholas, Rosaline Nicholas, Frank Nicholas, Jr., Joseph Narcisse, Clem Narcisse, Almontine Thomas, Clarence Thomas and Alma Hortense Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J. H. P. H.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*James Bixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 13, 1903.

Joseph Narcisse,

Osceola, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 4, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Betsey.

The Secretary of the Interior in his letter states:

Inasmuch as certain of these applicants are the children of one Hortense Narcisse, who it is claimed is a full blood Choctaw, and now living, it becomes necessary that you ascertain whether she has ever been identified by you as a full blood Choctaw, and if not, whether her application for identification as such, was pending prior to March 22, 1903.

Another reason for further investigation is due to the fact that your report, as well as that of the Acting Commissioner, shows that there are a number of persons named Betsey, or Betsy, who were entitled to receive the benefits of the 14th article of the treaty of September 27, 1830.

Such being the case it is possible that some one of them was identical in person with the Betsey who was the ancestor of these applicants."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of



articles 18, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws, and prefers, whenever possible to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of

J. I. S.

depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 15, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge,

R & R Dep

Registered

M.C.R.1113.

COPY:

Muskogee, Indian Territory, October, 7, 1903.

Joseph Narcisse,

Cuevas, Mississippi.

Dear Sir:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank Nicholas et al., of which decision you were advised by registered mail on the 5th, day of February, 1903.

Respectfully,

Tame Bixby  
Chairman.

No. 1118

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Joseph Narcisse

Age 27. Blood  $3/4$  Choctaw

Post Office, Curavis, Miss.

Father: Colar Narcisse Dead.  $1/2$  C. B.  $1/2$  Choctaw

Mother: Hortense Narcisse Living.  $1/4$  C. B.  $3/4$  Choctaw

Claims through Mother.

Wife: No claim for wife.

Children: No children.

Stenographer  
Frances Brown.

**REFUSED**

DECISION RENDERED.

**FEB 5 1903**

NOTICE OF DECISION MAILED APPLICANT.

**FEB 5 1903**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**FEB 5 1903**

RECORD FORWARDED DEPARTMENT.

**FEB 21 1903**

REMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING.

**MAY 4 1903**

RECORD FORWARDED DEPARTMENT.

**JUL 16 1903**

ACTION APPROVED BY SECRETARY OF INTERIOR.

**SEP 25 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**OCT 7 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

**OCT 7 1903**

REFER TO M. C. R. 1112

Choc mcr 1114 J. Folsom Roe

see mcr 1620

mcr 1114

*Chickasaw*  
**GRANTED**

**DECISION RENDERED MAY 7 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**MAY 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**MAY 1902**

**RECORD FORWARDED DEPARTMENT.**

**MAY 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**MAY 21 1902**

**NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.**

**MAY 31 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

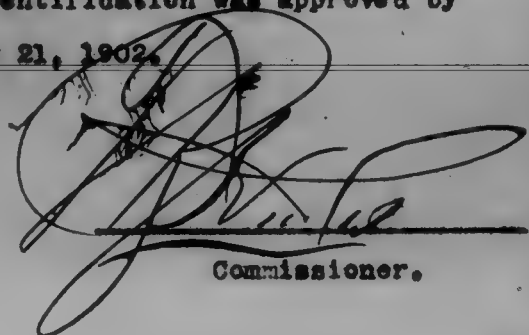
**MAY 31 1902**

**REFER TO M.C.R. 1620**



Department of the Interior,  
Commission to the Five Civilized Tribes.

I, Thomas B. Needles, member of the Commission to the Five Civilized Tribes, do hereby certify that J. Folsom Ree was duly identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw entitled to allotment under the provisions of the twenty-first section of the act of Congress of June 28, 1898, (30 Stat.495), May 7, 1908, which identification was approved by the Secretary of the Interior on May 21, 1902.



Commissioner.

Muskogee, Indian Territory,  
July 2, 1902.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application of J. Folsom Roe for the identification of himself and his minor child as Mississippi Choctaws

J. Folsom Roe, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A J. Folsom Roe.  
Q What is your age? A My age is forty four.  
Q What is your post office address? A Meridian, Mississippi.  
Q Are you a resident of the state of Mississippi? A Yes sir.  
Q How long have you been living here? A I have been living here I suppose about thirty nine years. I came back from the Territory, I believe, when I was about five years old.  
Q Were you born in Indian Territory? A Yes sir.  
Q Where, Deakville,  
Q Choctaw Nation? A Yes sir.  
Q What county? A I believe it is Blue; I won't be positive; you see I was quite young; all my parents died when I was small. I believe though, it is Blue County.  
Q What was your father's name? A John F. Roe.  
Q Is he living? A No sir, he is dead.  
Q What is your mother's name? A Her name was Callie D. Roe.  
Q Is your mother living? A No sir, she is dead.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother's mother.  
Q Through your mother's side? A Well, my grandmother.  
Q Your mother's side? A Yes sir.  
Q How much Choctaw? A She was a full blood, my mother's mother.  
Q You are a quarter? A I suppose I would be at that rate.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, we moved away when I was young. I have got a whole lot of cousins out there, the Spains, White Bead Hill, they begged us to, we neglected it like everything else. After my mother died. I heard about the Dawes Commission and thought I would go to see them to apply for citizenship.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.  
Q Did you make application to the Dawes Commission in 1896, under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.  
Q Ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No sir.  
Q Did you ever, prior to this time, make any application either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment in the Choctaw Nation?  
A Well, about a year ago up at Decatur there, I had an application, but I could not get it in. They seemed to be so busy; I had a lawyer there and he fooled around till I got disgusted and went away.  
Q You didn't make any application? A No sir.  
Q That was about two years ago? A I don't remember, it was something like that; it was up at Decatur. I had a lawyer there, a little young fellow who didn't know anything of course I depended on him.  
Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Sir.  
Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.

- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Are you familiar with the provisions of that treaty? A No sir.
- Q Have you a general idea of what it is? A Well, I have an idea that gives you a citizenship or a right or whatever you are entitled to.
- Q The treaty of 1830 was entered into between the United States and the Choctaw Indians in Mississippi providing for the removal of the Indians from this country to the present Choctaw Nation. The fourteenth article of that treaty, however, allows those Choctaws who wanted to remain in Mississippi the privilege to stay here and become citizens of the United States, but he must have signified his intention to remain to the United States Indian Agent of the Choctaw Indians in Mississippi and have remained here five years. What is the name of your ancestor who was a recognized member of the Choctaw tribe of Indians in Mississippi at that time? A I suppose that was my father and mother at that time.
- Q Well, would they have been of age in 1830? A When my mother died she was sixty nine and she died about five years ago.
- Q Now your mother would have been under age; what was your mother's mother's name? A Before she married?
- Q Yes. A Before she married her name was Callie D. Hancock, and she married Roe.
- Q That was your mother's name? A Yessir.
- Q What was your mother's mother's name? A Mollie Mitchell.
- Q Was she a Choctaw Indian? A She was a full blood.
- Q Your mother's maiden name you say was Hancock? A Yes sir, Callie D. Hancock.
- Q What was her father's name? A Jubal B. Hancock.
- Q Did any of your ancestors ever signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification of the treaty of 1830? A To the best of my knowledge, I don't think they did; at least if they had, my mother would have told me.
- Q Did your mother's people after the conclusion of the treaty of 1830 remove with the Choctaws from Mississippi to the present Indian Territory? A My mother went out there I think in '54. I think I have a list here that she made when she started to go. I believe it states the date she started. She left July the 15th, '58.
- Q She went from here to the-- A She went from Meridian Mississippi to the Choctaw Nation. She went from Meridian to the Tombigby River and from Tombigbee River to Galveston and from Galveston by stage to the Indian Territory. There was no railroads there then.
- Q That was in 1854? A '54, yes sir.
- Q And your mother remained there-- A My mother remained there, I don't know how long, but I know when she left I was two months old, I don't remember when she left or how long she stayed. I never did-- I suppose I have heard her say too.
- Q Was she ever recognized by the Choctaw tribal authorities in Indian Territory during the time she stayed there? A No sir, she left there, she had a sister there now if she is not dead; they stayed and were recognized but after ~~she~~ her husband died she came back to Mississippi.
- Q What are the names of her brothers that are now in Indian Territory? A Thomas Sapin now he is dead now; he is her brother in law; she has no brother there; there is a lot of boys there now.
- Q Your cousins? A Yes sir.
- Q What are some of their names? A Let me see, I have a list of some of the names; I correspond with them. I have got a cousin out there named F. O. L. Leewright; her post office is White Bead Hill, Choctaw Nation, Indian Territory. I have got a cousin out there by the name of D. M. Spain whose post office is White Bead Hill.

I have got a cousin out there by the name of S. B. Spain whose post office is Fleetwood. I have got a lot of others but I don't remember them unless I would look over my letters.

Q Were these people who went over there at the time your mother did adopted by the Choctaws as Mississippi Choctaws. A Well, I could not say they are I was not there. ~~They were all enrolled in the Dawes Commission.~~

Q They have always been recognized as citizens of the Choctaw Nation? A No sir, they moved out there way ahead of them and we followed them after my ~~father~~ father died my mother moved back, and I don't know how long; they were all enrolled, I think by this Dawes Commission.

Q Did any of your ancestors ever claim or receive any lands in Mississippi under the fourteenth article of the treaty of 1830?

A Not as I know of; of course you know I was young then and I would not know.

Q Are you married? A Yes sir.

Q What is your wife's name? A Her name is Onia E. Roe.

Q Is she a white woman? A Yes sir.

Q Are you making any claim for her? A No sir.

Q How many children have you? A I have one.

Q What is the name? A Reannette C. Roe.

Q How old? A She is seventeen years old.

Q This is a child of you and Onia E. Roe? A Yes sir.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Onia E. Roe, in the matter of the application you make for identification of your daughter.

Applicant: I will have to mail that to you, I live in Meridian. If you will give me your address I can mail it to you any time you want it.

The decision of the Commission as to your application and the application you make on behalf of your daughter for identification as Mississippi Choctaws will be mailed to you in writing to your present post office address, Meridian, Mississippi.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 19<sup>th</sup> day of December, 1900.



Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, July 2, 1902.

In the matter of the application of J. Pelson Ree to be enrolled as a Choctaw entitled to allotment under the provisions of the act of Congress of May 31, 1900, having been identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes, May 7, 1902, which identification was approved by the Secretary of the Interior May 21, 1902.

J. Pelson Ree being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A J. Pelson Ree.  
Q How old are you? A Will be forty-four years old the 4th of this coming November; born November 4, 1859.  
Q You are the identical J. Pelson Ree who is an applicant to this Commission for identification as a Mississippi Choctaw?  
A Yes sir.

J. Pelson Ree is the identical person identified by the Commission to the Five Civilized Tribes as entitled to rights in the Choctaw lands under the provision of the fourteenth article of the treaty of 1830, by the decision of the Commission to the Five Civilized Tribes in the case of Josephine Hussey, et al., which identification was approved by the Secretary of the Interior May 21, 1902.

- Q Your purpose in now appearing before the Commission is to conform to that provision of the act of Congress of May 31, 1900 relative to your removal to and settlement in good faith in the Choctaw Chickasaw Country? A Yes sir; that's what I came for; I came a year ago and my wife got dissatisfied and we went back to New York and then to Chicago and this time I came to stay.  
Q Have you now since your identification as a Mississippi Choctaw by this Commission May 21, 1902, removed to the Choctaw Chickasaw Country for the purpose of making your bona fide residence there? A Yes sir; that's my intention.  
Q What is your post office address at this time? A McGee.  
Yes sir; I have two or three cousins living there and come in close to them.  
Q How much of a residence have you made there? A I haven't made any yet; I've just been there about two weeks.  
Q Have you any personal property; any household belongings?  
A No sir; none at all.  
Q You are a married man? A Yes sir.  
Q Is your wife a white woman? A Yes sir.  
Q Where is she? A In Meridian Mississippi.  
Q Has she any personal belongings? A No sir; we sold out everything we had a year ago when we started out here.  
Q Where is your daughter Jeanetta? A She's with her mother.



J. Polson Rec—2.

- Q It will be necessary that she also make settlement in the Choctaw Chickasaw Country in order to be enrolled as a Choctaw entitled to enrollment.
- A Yes sir; she's coming with her mother.
- Q How much of a residence have you made in the Chickasaw Nation? A You mean in the way of improvements?
- Q Yes sir. A I haven't did anything at all; just went to my cousin's and thought I would come down here when I got rested up which I did, and find out what I could do; a man can't locate if he wanted to - there's so many people there.
- Q It is your purpose now to remain in the Choctaw Chickasaw country is it? A Yes sir.

The act of Congress of May 31, 1900, provides that:

"Any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and as proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment. Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

The bona fide settlement referred to in the above legislation is further defined in an agreement entered into at Washington, D.C. on May 21, 1902, between Commissioners on the part of the United States and the Choctaw and Chickasaw Nations, and which provides:

"All persons duly identified by the Commission to the five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of the final ratification of this agreement, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of the final ratification of this agreement may be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after the date of the final ratification of this agreement.

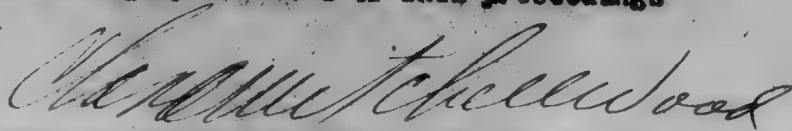
When any such Mississippi Choctaw shall have continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment,

as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

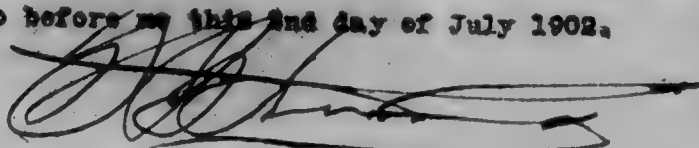
Applications for enrollment as Mississippi Choctaws and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons and persons of unsound mind may be made by duly appointed guardians or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

If within four years after such enrollment any such Mississippi Choctaw or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 2nd day of July 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.



Subscribed and sworn to before me this 2nd day of July 1902.



Commissioner.



Miss. Choc. 1114.  
Miss. Choc. Ident'r'd. 28.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, February 19, 1903.

In the matter of the application of Jeannette C. Roe to be enrolled as a Choctaw entitled to allotment under the provisions of the act of Congress of May 21, 1900, as ratified by the citizens of the Choctaw and Chickasaw Nations, September 25, 1902, having been identified as a Mississippi Choctaw, entitled to allotment, by the Commission to the Five Civilized Tribes, May 7, 1902, which identification was approved by the Secretary of the Interior, May 21, 1902.

Jeannette C. Roe, the applicant, being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Jeannette C. Roe.  
Q How old are you? A I'm going on nineteen years old.  
Q What is the name of your father? A J. F. Roe.  
Q Is he living? A Yes, sir.  
Q What is the name of your mother? A Onie E. Roe.  
Q Is she living? A Yes, sir.  
Q Are you the identical Jeannette C. Roe for whom application was made by your father J. Folsom Roe, for identification as a Mississippi Choctaw? A Yes, sir.  
Q And are you the identical Jeannette C. Roe identified by the Commission to the Five Civilized Tribes as entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830, by the decision of the Commission to the Five Civilized Tribes in the case of J. Folsom Roe et al., which identification was approved by the Secretary of the Interior, May 21, 1902? A Yes, sir.  
Q Your purpose in now appearing before the Commission is to conform to the provisions of the act of Congress of May 21, 1900 under which you are identified as a Mississippi Choctaw entitled to allotment, and the subsequent act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, relative to your removal to and making settlement in good faith in the Choctaw-Chickasaw country; that is your purpose is it?  
A Yes, sir.  
Q Are you at this time a bona fide resident of the Choctaw Chickasaw country? A Yes, sir.  
Q What is your post office address in the Choctaw Nation or Chickasaw Nation? A Bartley.  
Q Is it your intention to become a bona fide resident of the Choctaw-Chickasaw country? A Yes, sir.  
Q Are you living at the home of your father? A Yes, sir.  
Q He is a bona fide resident of the Choctaw-Chickasaw country?  
A Yes, sir.

—0—

Clara Mitchell Wood, being first duly sworn, upon her oath

Jeannette C. Roe 2

states, that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of February, 1903, and that the foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Charanuthell Wood*

Subscribed and sworn to before me this 21st day of February 1903,

*Charles K. Sawyer*

Notary Public.

Muskogee, Indian Territory, April 10, 1901.

Mr. John F. Roe,  
Meridian, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of April 2, inquiring whether or not the marriage license forwarded by you on December 19, 1900, had been received by the Commission.

In reply to your letter you are advised that our records show that the marriage license and certificate between John F. Roe and Onie Gressett is on file, and has been made a part of the record in the matter of your application for the identification of yourself, and child as Mississippi Cheetaws.

Yours truly,

Acting Chairman

Waukegon, Indian Territory, April 15, 1901.

Mr. John Polson Roe,  
Meridian, Mississippi,  
Dear Sir:-

Receipt is hereby acknowledged of your letter of the 9th inst., in which it is stated that you wrote a letter some time ago inquiring if it would be necessary for you to go before the Commission at Meridian, as you had appeared before the Commission at Hattiesburg, Miss., December 17, 1900, and you ask to be advised in relation thereto.

You are informed that if you have additional evidence to offer in support of your application for identification as a Mississippi Choctaw, it would be advisable for you to submit the same to the Commission at its office in Meridian, Mississippi. If you have no further testimony to offer, there appears to be no reason why you should again appear before the Commission.

Yours truly,

Acting Chairman.

K.S.B.1114

Oklahoma City, O.T.,  
May 18 - 1901

The Dawes Commission  
Gentlemen my post-  
office address & Jeanette  
Rae - is now the above  
address as we moved  
from Meridian Miss a  
week ago - please advise  
me if you receive this  
letter -

Respt

Jas. Jackson Rae

My Cousins F. O. L. Bee Wright of  
McAlester I. T. & B. B. Spauld  
of White Bear Hill wrote  
me today that they & all  
their children had

been enrolled - & had  
known Amity one time -  
I gave them with my  
applications as witnesses -

Yours &c

Jas Tolson Rae

7453

L. I. I.

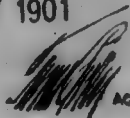
Mucogee

Barro Gummerson

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 27 1901



ACTING CHAIRMAN.



Muskogee, Indian Territory, May 27, 1901.

Mr. John Folsom Roe,

Oklahoma City, Oklahoma,

Dear Sir:

The Commission is in receipt of your letter of May 18, in which you give your present post office address as Oklahoma City, and state that you have removed from Meridian, the post office address heretofore given by you. You are advised that this information has been made a matter of record.

Yours truly,

Acting Chairman.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIRBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

W-013  
Muskogee, Indian Territory, July 24, 1901.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mr. John Pelson Roe,

Oklahoma City, Oklahoma,

Dear Sir:

*all*  
Receipt is hereby acknowledged of your letter which bears no date, written from McGee, Indian Territory, relative to the introduction of additional testimony in support of your application for identification of yourself and your daughter, Jeannetta C. Roe as Mississippi Choctaws.

You are informed that the commission will hear the testimony of any witnesses in person which you may desire to present in support of your application for the identification of yourself and your daughter. Such witnesses should present themselves in person at the Commission's office at Atoka, Choctaw Nation, Indian Territory.

Yours truly,

  
Commissioner in Charge.

MC 1114

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 26, 1901.

Mr. John Felson Roe,  
Oklahoma City, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th of June, addressed to the Honorable Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

In your letter you state that you and your daughter Jeannette are Choctaw Indians who have appeared before this Commission and that you are the cousins of certain Choctaw Indians who have already been enrolled by this Commission. You desire information as to whether you and your daughter will share in the payments of any of the annuities of the Choctaw Nation, also if you will be permitted to take your allotments in the Chickasaw Nation instead of the Choctaw Nation, and when the Commission to the Five Civilized Tribes will make an allotment of land in the Choctaw and Chickasaw Nation.

You are informed that it appears from our records that the status of yourself and daughter is that of applicants for identification as Mississippi Choctaws. Your testimony was taken at the time of your personal appearance before the Commission at Hattiesburg, Mississippi, December 17th, 1900 and states that you claim your

JFR 2.

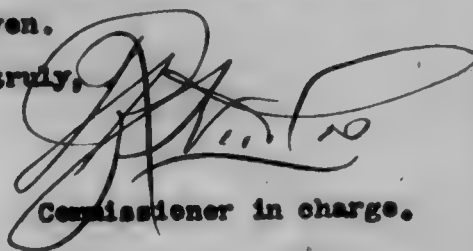
rights as beneficiaries under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. That article provides that persons who claim thereunder "are not entitled to any portion of the Cheetaw annuities."

As to the allotment of land in the Cheetaw and Chickasaw Nations, you are informed that such allotment will presumably be made under the agreement of April 23rd, 1897, between the United States and the Cheetaw and Chickasaw Tribes of Indians. This agreement provides:

"That all lands within the Indian Territory belonging to the Cheetaw and Chickasaw Indians shall be allotted to the members of said tribes so as to give to each member of these tribes so far as possible a fair and equal share thereof, considering the character and fertility of the soil and the location and value of the lands."

As there is no distinction made between the Cheetaw and Chickasaw lands in this agreement it is probable that the citizens of these two Nations will be allowed to make their selections and file upon their allotments in either of the two Nations. We cannot inform you at this time as to the time of making such allotments to the citizens of the Cheetaw and Chickasaw Nations for the reason that there has not yet been any roll of the citizens of these two Nations approved nor has the appraisement or the classification of the lands been completed. When such allotment is made by this Commission ample public notice will be given.

Yours truly,



Commissioner in charge.

MC-1114

Muskogee, Indian Territory, September 12, 1901.

Mr. W. S. Miller,

Secretary, Bush & Gerts Piano Company,

Chicago, Illinois.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 18th, in which you ask to be advised if one John F. Ree, of Meridian, Mississippi, has proven up his claims in the Indian lands, and back payments due him from the Government. You state that these lands are located in the Chickasaw Nation, and Mr. Ree is the son of one Hollie Mitchell.

In reply to your letter you are advised that on December 17th, 1900, J. Palmer Ree, of Meridian, Mississippi, the son of John F. and Callie D. Ree, appeared before the Commission at Kattinsburg, *Miss* and applied for identification of himself and his minor child, as Mississippi Choctaws. No action has yet been taken in regard to this application, or any decision rendered. When such decision is rendered a copy of the same will be mailed to the applicant.

Yours truly,

M-C, 1114,

MAH 11/4

Returned to  
Writer  
Uncoloured

Returned to  
Writer  
Uncoloured

Mr. John F. Roe  
~~McGee~~  
J.F.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
Penalty for private use, \$300.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BERRY,  
THOMAS B. NEEDLES,  
C. A. BRUSHNIGG.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 30, 1901.

Mr. John F. Roe,  
McGee,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 13th, in which you state that your Post Office address is now McGee, Indian Territory. This change in address has been made a matter of record.

There are enclosed you herewith two letters which were  
delivered to you at Oklahoma City and returned unopened.  
Letters were written in response to communications from you.

Yours truly,

A.B. B-30.

Acting Chairman



Muskogee, Indian Territory, December 3, 1901.

J. Folsom Roe,

General Delivery,

New Orleans, Louisiana,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 29, in which you state that you are now located at New Orleans. You also ask to be advised when allotment of the Choctaw lands will take place.

In reply to your letter, you are advised that it is impossible to say, at this time, when an allotment office will be opened in the Choctaw and Chickasaw Nations for the purpose of allowing the citizens of those two tribes to take their allotments. It appears from our records that you are an applicant for the identification of yourself and your minor child as Mississippi Choctaws, and that no opinion has yet been rendered or decision reached in regard to your claim.

When the allotment of the lands of the Choctaw and Chickasaw Nations is made, it will be according to the Choctaw and Chickasaw tribes, whose names appear on the final roll of citizens of those two tribes, as approved by the Secretary of the Interior.

J.V.R. 2

Your status is merely that of an applicant for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands under the fourteenth article of the treaty of 1830, whose application has not been passed upon in any manner by the Commission.

The change in your post office address has been made a matter of record.

Yours truly,

Commissioner in Charge.

ME 1114/

Miss. Choctaw 1114  
Miss. Choctaw 1020

Muskogee, Indian Territory, April 26, 1902.

J. Tolson Reo,  
Mobile, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 21, asking with reference to your application for identification as a Mississippi Choctaw, and whether the allotment of the lands of the Choctaw-Chickasaw country has been begun by the Commission, and what length of time the Commission has in which to close matters up with the Choctaws. You also inquire if Nettie Carter has appeared before the Commission and state that she is your niece.

In reply to your letter you are informed that no decision has yet been reached nor opinion rendered relative to your rights as a Mississippi Choctaw. As soon as a decision is reached you will be notified of the action taken by the Commission.

You are further advised that the Commission has not yet commenced the work of allotment of the lands of the Choctaw-Chickasaw country, but when such allotment is made it will be to those citizens and freedmen of the Choctaw and Chickasaw Nations whose names appear upon the final rolls of these two Nations as approved by the Secretary of the Interior. Relative to your removal to the Indian Territory

J.F.R. 1

your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

Your status is that of an applicant for identification as a Mississippi Choctaw whose rights have not yet been passed upon, and it is not believed that the benefits of the above legislation would accrue to applicants until they had been identified by this commission as Choctaw Indians entitled to rights in the Choctaw lands under the fourteenth article of the treaty of 1830.

No date is now effective for the closing of the rolls of the Choctaw and Chickasaw Nations.

You are advised that it appears from our records that Nettie Frances Carter, daughter of Jubal Braxton Carter and Laura Bell Goldnerge, applied to the commission for identification as a Mississippi Choctaw, at Meridian, Mississippi, April 24, 1901, and on March 7, 1902, a letter was addressed to her attorney, Fred W. Hache, at Mobile, Alabama, advising him that there was not sufficient testimony in her case to establish the relationship of Nettie Frances Carter to the other applicants claiming descent from Sophia Mitchell who married Jubal B. Hancock, and that if she desired to introduce such testimony, the Commission would hear witnesses in

J.F.R. 5

her bench, at its office at Meridian, Mississippi, between April 14 and April 30, 1908, inclusive. It does not appear from our records that any such testimony has been offered by her, up to this date.

Yours truly,

Commissioner in Charge.



COPY.

W.C.R1114

Muskogee, Indian Territory, May 8, 1902.

J. Folsom Roe,

Mobile, Alabama.

Dear Sir:

You are hereby advised that on May 7, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Josephine Russey, et al., embracing the following applications for identification as Mississippi Choctaws:

Josephine Russey, et al.  
J. Folsom Roe, et al.,  
Jubal A. Hancock,  
Charles Rushing Hancock,

Said decision after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 ( 30 Stats. 495), is as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is sufficient to determine the identity of Josephine Russey, William Hancock Russey, Alvin McDowell Russey, J. Folsom Roe, Jeannette C. Roe, Jubal A. Hancock and Charles Rushing Hancock, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be granted, and it is so ordered."

J.P.R.

You are further advised that the Commission has on this date forwarded the report in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Wm. F. B. Needles.

Commissioner in Charge.

Register.



C O P Y .

20582

D. C. No. 2257

Refer in reply to  
the following:  
Land-28267-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, May 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The office transmits herewith the papers in the consolidated case of Josephine Hunsay et al., applicants for identification as Mississippi Choctaws and recommends that the decision of the Commission, holding that the applications should be granted, be affirmed.

The record evidence shows conclusively that the applicants are descendants of Mississippi Choctaw ancestors, who were recognized as such, enrolled and granted land under the fourteenth article of the treaty between the United States and the Choctaw Nation concluded on the 27th day of September, 1820, by Act of Congress entitled "An Act for the relief of Jubal B. Hanesok, passed August 11th, 1842, all of which is verified by the records in this office.

It is further shown by the record that in 1896, William Hanesok Hunsay, a miner, by his mother as next friend, J. Tolson Ree, Jubal A. Hanesok and Charles Rushing Hanesok made application for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896, and that their said applications were denied by the Commission and by

appeal was taken from the adverse decision.

This is no bar to filing an Application for identification as a Mississippi Choctaw under the Act of Congress of June 18th, 1898 (30 Stat., 495) and having their rights under that Act adjudicated by the proper tribunal.

Section 21 of that Act expressly provides that "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is under this provision the applications herein are made, and no previous adjudication of their status can be construed as an estoppel that will exclude claimants from the benefits conferred by the Act when the facts support their claim to the rights intended to be established thereby.

Very respectfully,

Your obedient servant,

Acting Commissioner

W.C.D. (Cg.)

C O P Y .

10132.

DEPARTMENT OF THE INTERIOR.

J. P. F.

I. T. W. 2142-1902.

Washington, May 21, 1902.

L. R. S.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

The Department had considered the Mississippi Choctaw case 1625, embracing the applications of Josephine Hussey, William Hancock Hussey, Alvin McDowell Hussey, J. Folsom Ree, Jeannette C. Ree, Jubal A. Hancock and Charles Rushing Hancock, transmitted with your letter of May 8, 1902.

You found that the evidence was sufficient to establish the descent of the claimants from Jubal B. Hancock who took advantage of the 14th article of the treaty of 1830, and to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw Nation, in which opinion the Acting Commissioner of Indian Affairs in letter of May 15, 1902, concurs.

He states that it is shown that the applicants are descendants of Mississippi Choctaw ancestors who were recognized as such, enrolled and granted lands under the 14th article of the treaty of 1830, by an Act of Congress entitled "An Act for the relief of Jubal B. Hancock," passed August 11, 1848; that, while it is shown that in 1896 William Hancock Hussey, J. Folsom Ree, Jubal A. Hancock and Charles Rushing Hancock made application for citizenship in the Choctaw Nation under the Act of June 10, 1896, and that their applications were denied by your Commission and no appeal taken, that it is no bar to the consideration of an



application for identification as Mississippi Choctaws under the first section of the Act of June 18, 1898 (30 Stats. 495).

The Department has carefully considered the matter and finds no reason to disturb your decision, and it is accordingly affirmed. A copy of the Acting Commissioner's letter is enclosed.

You will advise the claimants, residents of Mississippi, heretofore, and that to be entitled to enrollment in the Choctaw Nation, and to an allotment, it will be necessary for them to remove in good faith to the Choctaw-Chickasaw country, Indian Territory; also to that portion of the Choctaw-Chickasaw agreement pending in Congress, in regard to Mississippi Choctaws.

Respectfully,

Thos. Ryan,

Acting Secretary,

E.W.D.

1 enclosure.



Miss Choctaw 1114

Muskogee, Indian Territory, May 23, 1902.

J. Felson Roe,

General Delivery,

Montgomery, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 15,

in which you ask if any allotments of land have been made to the Mississippi Choctaws, and if not, when such allotment will be begun.

In reply to your letter you are advised that on May 8, 1902, the Commission addressed a letter to you at Mobile, Alabama, advising you that you and the other applicants claiming descent from Jubal B. Hancock and Sophia Mitchell had been identified as Mississippi Choctaws, and that the record in the case had been transmitted to the Secretary of the Interior for review and you would be advised at a later date of the action taken by him.

You are further advised that the allotment of the lands of the Choctaw-Chickasaw country has not yet been begun, and it is impossible at this time to say when an allotment office will be opened in the Choctaw-Chickasaw country for the purpose of allowing the citizens of those two nations to make selection of and file upon

J. F. R. 1

their prospective allotments, but due public notice will be given of the establishment of such office.

Relative to the lands to be allotted to the Mississippi Choctaws, your attention is invited to the following provision of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

Yours truly,

Acting Chairman.



Miss. Choctaw 1114

Maskogee, Indian Territory, May 31, 1902.

J. Polson Roe,

General Delivery, Montgomery, Alabama,

Dear Sir:

You are hereby advised that on the twenty first day of May, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes granting the application made by you for the identification of yourself and your daughter, Jeannette C. Roe, as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory as a beneficiary under the provisions of article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

You are now advised that, in order for you to be enrolled as a citizen of the Choctaw Nation entitled to allotment, it is necessary that you remove to and make settlement within the Choctaw-Chickasaw country, as provided by the act of Congress of May 31, 1900, (31 Stat., 821):

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and as proof of the

fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment: Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void."

Your attention is further invited to the following sections of an agreement entered into at Washington, D.C., March 21, 1902, between Commissioners on the part of the United States and the Choctaw and Chickasaw Nations, and now pending before the Congress of the United States for ratification:

"41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of the final ratification of this agreement, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of the final ratification of this agreement may be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after the date of the final ratification of this agreement.

42. When any such Mississippi Choctaw shall have continuously resided upon the lands of the Choctaw and Chickasaw Nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw Nations.

43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

J. P. R. 3

44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cash, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser."

Yours truly,

Acting Chairman.

Miss, Chectawville  
Miss, Chectaw 2

Muskogee, Indian Territory, June 11, 1902.

J. Wilson Roe,

Montgomery, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, in which you state that you have been advised that the Secretary of the Interior had affirmed the decision of the Commission identifying you and your daughter, Jeannette G. Roe, as entitled to share in the Chectaw lands in Indian Territory, and you now wish to be advised what procedure is necessary in order to be enrolled, as you state you want to remove to the Chectaw-Chickasaw country at once.

In reply to your letter you are advised that it will be necessary that you remove to the Chectaw-Chickasaw country, and there establish a bona fide residence; you should then appear before the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, and make proof of the establishment of such bona fide residence, and make application for the enrollment of yourself and your daughter as Chectaws entitled to allotment of lands, in the Chectaw-Chickasaw country.

The provisions of law governing such removal and enrollment



1. F. A. B.  
were received to you in our letter of May 31, 1902.

Yours truly,

Commissioner in Charge.

Miss. Choctaw Mills  
Miss. Choctaw

Muskogee, Indian Territory, June 11, 1902

J. Polson Bee,

Montgomery, Alabama,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, in which you state that you have been advised that the Secretary of the Interior has affirmed the decision of the Commission identifying you and your daughter, Jeannette G. Bee, as entitled to share in the Choctaw lands in Indian Territory, and you now wish to be advised what procedure is necessary in order to be enrolled, as you state you want to remove to the Choctaw- Chickasaw country at once.

In reply to your letter you are advised that it will be necessary that you remove to the Choctaw- Chickasaw country, and there maintain a bona fide residence; you should then appear before the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, and make proof of the establishment of such bona fide residence, and make application for the enrollment of yourself and your daughter as Choctaws entitled to allotment of lands, in the Choctaw- Chickasaw country.

The provisions of law governing such removal and enrollment

J. H. H. S.

have replied to you in our letter of May 31, 1902.

Yours truly,

Commissioner in Charge.



Miss. Choctaw I 2

Muskogee, Indian Territory, October 16, 1902.

Mrs. D. E. Roe,

General Delivery,

St. Louis, Missouri,

Dear madam:

Receipt is hereby acknowledged of your letter of October 12, asking how soon it will be necessary for you to bring your daughter, Jeannette G. Roe to the Indian Territory. You state that her father, John Nelson Roe is now settled in the Chickasaw Nation. You also ask what disposition has been made of the application of Nettie Carter for identification as a Mississippi Choctaw.

In reply to your letter you are advised that the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, which was ratified September 26, 1902, provides as follows:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 20, 1902 (30 Stats., 496), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

O.E.R. 2

You are hereby advised that on May 7, 1902, Jeannette C. Roe was identified by this Commission as a Choctaw Indian entitled to lands in the Choctaw Nation under article fourteen of the treaty of 1830, and you will understand from the provision of the agreement above quoted that Jeannette C. Roe will have six months from the date of her identification by this Commission as a Mississippi Choctaw within which to make bona fide settlement within the Choctaw-Choctaw country.

You are further advised that no decision nor opinion has yet been rendered by the Commission relative to the application of Nettie Frances Carter for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

*Markham* 2

Muskogee, Indian Territory, December 4, 1902.

Gregory L. & H.T. Smith,

Attorneys at Law,

Mobile, Alabama.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 15th ultimo, received this date, in which you state that Jeannette G. Roe, who at present resides in Mobile, Alabama, has received a number of mutilated letters from the Commission "addresses and other parts being cut out touching her heirship to Mollie Mitchell." You further state that she does not know to whom they were addressed nor by whom sent, and has requested your firm to ask the present status of her case.

In reply, you are informed that it appears from the records of the Commission that J. Folson Roe made application for the identification of himself and his minor child, Jeannette G. Roe, as Mississippi Choctaws.

The Commission on May 7, 1902, rendered its decision identifying the applicants as such Mississippi Choctaws, and on May 9, 1902, advised the applicants of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

C. L. & M. T. S. 2

On May 21, 1908, the Secretary of the Interior approved the decision of the Commission identifying the applicants in this case as Mississippi Choctaws, and on May 31, 1908, the principal applicant, J. Pelson Roe, was duly notified of such departmental action.

Relative to the present status of the applicants in this case, your attention is invited to sections 41, 42, 43 and 44 of the act of Congress approved July 1, 1906, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1908, a copy of which is enclosed you herewith.

Respectfully,

Acting Chairman.

Res. Dep. Agreement.

M C R 1114  
M C I 2

Muskogee, Indian Territory, February 18, 1903.

J. Polson Roe,

Bartley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you state that your daughter Jeanette C. Roe has recently arrived from Mississippi. You ask when it will be necessary for her to appear before the Commission to make proof of bona fide settlement in the Choctaw-Chickasaw country.

In reply to your letter your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 26, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above quotation of law it will be necessary



J. V. R. S.

For your daughter Jeannette C. Lee to make personal appearance before this Commission some time prior to March 25, 1903, in order to make proof of such settlement.

Respectfully,

Acting Chairman.

N. C. R. 1114

Muskogee, Indian Territory, August 24, 1903.

Alvin F. Bryant,

Attorney at Law,

Padis Valley, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 19, asking whether J. Folsom Roe and Jennette Roe or either of them are listed for enrollment as Choctaws or Mississippi Choctaws.

In reply to your letter you are informed that on May 8, 1903, the Commission rendered its decision identifying J. Folsom Roe and his daughter, Jeanette C. Roe, as Mississippi Choctaws entitled to rights in the Choctaw lands under the fourteenth article of the treaty of eighteen hundred and thirty, and on May 12, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.



M C Roll #4

Muskogee, Indian Territory, December 17, 1904.

Mrs. Onie M. Roe,  
Hannibal, Missouri.

Dear Madam:

Receipt is hereby acknowledged of your letter dated November 3, 1904, by reference from the Secretary of the Interior. Therein you ask to be advised relative to making selection of allotment in the name of Jeannette C. Roe, your deceased daughter.

In reply you are informed our records show that several communications have been addressed you in regard to this matter, and the Commission cannot render you any further advice than that contained in its letter to you under date of December 3, 1904.

Respectfully,

Chairman.

NOR 1114

Muskogee, Indian Territory, December 27, 1905.

J. Folsom Roe,

Byars, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, requesting to be advised of the necessary steps to take in order to have your wife enrolled as an intermarried citizen.

In reply you are informed that this office knows of no law guaranteeing rights to persons by reason of their marriage to a Mississippi Choctaw.

Respectfully,

Commissioner.

W. S. & C.

Muskogee, Indian Territory, March 9, 1907.

Garr & Rogers,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Replying to your letter of February 16, 1907, you are advised that it does not appear from the records of this Office that any testimony has been submitted relative to the continuous residence in the Choctaw-Chickasaw country, Indian Territory, of J. Polson Ree and Jeannette C. Ree as identified Mississippi Choctaws up to the time of their deaths.

Respectfully,

Commissioner.

No. 1114

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name J. Folsom Roe.

Age 44. Blood 1/4

Post Office, Meridian, Miss

Father: John D. Roe - dead.

Mother: Callie N. Roe - dead.

Claims through mother.

WIFE: Olive E. Roe.

(no claim for wife).

Children:

Geannette C. Roe 17

Stenographer.

Anna Bell.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. *P# 1114*

REFUSED.

*J. Folsom Roe et al.*

JUDGMENT WRITTEN MARCH 28 1901 H.C.R.

*5/27/1901*

*Latest address Oklahoma City O.T. a.B*

*7/29/1901*

*Latest address: Mc Gee. D.T.*

*12/3/1901 Latest address New Orleans  
La. Gen. Delivery.*

REFER TO M. C. R. *1620*

*4/26/1902 Latest address  
Mobile Ala*

*5/24/1902 P.O. Montgomery Ala.*

M. C. R 1114 J. Folsom Roe.  
et al.

J. Folsom Roe, 44 years old,  
of Meridian, Mississippi, on  
December 17, 1900, appeared  
before the Commission at Hat-  
tiesburg, and applied for  
identification of himself and  
daughter Jeannette C. Roe as  
Mississippi Choctaws. No  
judgment has been rendered in  
this case.

Atoka, January 4, 1901.

AB

The testimony in this case  
has not been filed, although  
I wrote it up before I left  
Mississippi.

A.B.

choc mcr 1115 Clem Narcisse

see mcr 1112

mcr 1115



REFUSED.

*Clem Narcisse.*

DECISION RENDERED.

FEB 5 1903

NOTICE OF EXEMPTION FROM PAYMENT OF TAXES

FEB 5 1903

NOTICE OF EXEMPTION FROM PAYMENT OF TAXES  
FOR THE STATE AND TERRITORIES

FEB 5 1903

RECORDS OF THE DEPARTMENT

FEB 21 1903

REMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING

MAY 15 1903

RECORDS OF THE DEPARTMENT

JUL 1 1903

ACTS OF THE DEPARTMENT

SEP 25 1903

RECORDS OF THE DEPARTMENT

OCT 7 1903

NOTICE OF DEPARTMENTAL ACTION  
FOR APPLICANTS FOR EXEMPTION FROM PAYMENT OF TAXES  
AND CHUCKAWA NATIONS

OCT 7 1903

REFER TO M. C. R. 1112

DECISION PREPARED

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Application of Clem Narcisse, for  
Identification as a Mississippi Choctaw.

Clem Narcisse, being first duly sworn by Acting Chairman  
Bixby, testified as follows:

- Q What is your name? A Clem Narcisse.  
Q What is your age? A 25 years.  
Q What is your residence? A Pass Christian, Mississippi.  
Q How long have you lived in Mississippi? A I was born in Mississippi and lived in Mississippi from the time of my birth until the present time.  
Q What is your father's name? A Colar Narcisse.  
Q Is he living? A No sir.  
Q What is your mother's name? A Hortense Narcisse.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A I claim Choctaw blood from my mother's side.  
Q Is your mother a full blood Indian? A Yes sir.  
Q Of what blood was your father? A He was Choctaw Indian.  
Q Was he a full blood Choctaw Indian? A No, he was half.  
Q Half negro and half Choctaw? A Yes sir.  
Q How much Choctaw blood do you claim to have? A I claim to have three-quarters.  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No sir.  
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation in the Indian Territory?  
A No sir.  
Q Did you or anyone in your behalf, make application in the year 1896, to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory, under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court for the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q Have you ever prior to this time, made any application to either the tribal authorities of the Choctaw Nation in the Indian Territory, or to the authorities of the United States, for either citizenship or enrollment as a Choctaw Indian? A No sir.  
Q Is it now your purpose to make application as a Mississippi Choctaw? A Yes sir.  
Q Do you claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.  
Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized citizen of the Choctaw tribe of Indians in 1830, at the time when the treaty was entered into between the United States and the Choctaw tribe of Indians? A As far as I can remember it was Betsy.  
Q You don't know her other name? A No sir.  
Q Who was Betsy? A Betsy was my grandmother.  
Q Was Betsy your mother's mother? A Yes.  
Q Do you know who your mother's father was? A Yes sir.  
Q What was his name? A Valerie Barban.  
Q Was Valerie Barban a Choctaw Indian? A No.  
Q What was he? A He was a mulatto. My great grandmother was a full blood Indian.  
Q As I understand you now, your father was half Choctaw Indian and half negro? A He was half Choctaw and half mulatto.  
Q And your mother was half Choctaw Indian and half mulatto?

2-Clem Narcisse.

A My mother was half Choctaw Indian and half white.

Q Your mother had no negro blood at all? A No, she didn't.

Q Did Betsy or any of your ancestors on your mother's side, signify to the United States Indian Agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, his or her intention to remain and become a citizen of the United States? A Yes, they did.

Q Who was it that signified their intention? A Betsy.

Q Have you any evidence of this fact that Betsy did signify her intention? A Yes sir.

Q What is the nature of your evidence that Betsy signified her intention to remain and become a citizen of the United States? A I really don't know the facts myself; I guess that was before I ever knowed anything about it. I couldn't tell you any further than that.

Q Did any of your ancestors ever claim or receive and land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Nancy Narcisse.

Q Are you making any claim for your wife? A No sir.

Q Have you any children? A No sir.

Q Is there any additional statement which you desire to make at this time in support of your application? A No sir.

Q Have you any documentary evidence in support of this application? Here attorney for applicant, Mr. Hudson asks leave to file written evidence in support of this claim within thirty days of this date.

By Mr. Bixby: Upon a careful consideration of the testimony offered in this case, the Commission will render its decision,, a copy of which will be furnished you in writing, mailed to your present postoffice address.

-----o-----

Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause of the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 31st day of December, 1900.

*Guy L. Emerson*  
Notary Public.

Wickes, Indian Territory, January 18, 1901.

Messrs Hudson & Arnold,

Armore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 15,  
inclosing papers to be filed in the following applications for identification as Mississippi Choctaws:

1113 Joseph Narcisse, et al.

1115 Clem Narcisse.

1117 Almontine Thomas, et al.

The papers have been duly filed with the other records in the various cases.

Yours truly,

AB

Acting Chairman.

COPY.

M.C.R. 1115.

Muskogee, Indian Territory, February 5, 1903.

Clem Narcisse,

Pass Christian, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frank Nicholas, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank Nicholas, et al.,	M.C.R. 1112
Joseph Narcisse,	M.C.R. 1113
Clem Narcisse,	M.C.R. 1115
Almontine Thomas, et al.,	M.C.R. 1117.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Nicholas, Rosaline Nicholas, Frank Nicholas, Jr., Joseph Narcisse, Clem Narcisse, Almontine Thomas, Clarence Thomas and Alma Hortense Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

U. I. O. S.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby*

Acting Chairman.

Registered.



Muskogee, Indian Territory, May 13, 1903.

Glen Narcisse,

Pass Christian, Mississippi.

Dear Sir:

The Secretary of the Interior with his letter of May 4, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Betsey.

The Secretary of the Interior in his letter states:

"Inasmuch as certain of these applicants are the children of one Hortense Narcisse, who it is claimed is a full blood Choctaw, and now living, it becomes necessary that you ascertain whether she has ever been identified by you as a full blood Choctaw, and if not, whether her application for identification as such, was pending prior to March 25, 1903.

Another reason for further investigation is due to the fact that your report, as well as that of the Acting Commissioner, shows that there are a number of persons named Betsey, or Betsy, who were entitled to receive the benefits of the 14th article of the treaty of September 27, 1830.

Such being the case it is possible that some one of them was identical in person with the Betsey who was the ancestor of these applicants."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of



C N R

article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of persons who composed their families.

5th. The names of their neighbors and immediate associates.

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of

6 1 2

depositions in support of Mississippi Shoteau applications, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 13, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & B Dep

Registered

M.O.R. 1115.

COPY.

Muskogee, Indian Territory, October 7, 1903.

Olson Narcisse,

Pass Christian, Mississippi.

Dear Sir:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank Nicholas et al., of which decision you were advised by registered mail on the 5th, day of February, 1903.

Respectfully,

*Jame Bixby*

Chairman.

No. 1115

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Clem Narcisse

Age 25 Blood  $\frac{3}{4}$  Choctaw

Post Office, Pass Christian, Miss.

Father: Polar Narcisse Dead

Mother: Hortense Narcisse. Living

Claims through mother who was  $\frac{1}{2}$  Choctaw and  $\frac{1}{2}$  white

Wife: Nancy Narcisse.

No claim for wife

Children: No children.

Stenographer

Frances Brown

Choc MCR 1116 Francis M. Forbes

see MCR 1111

MCR 1116



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application for identification of  
F. M. Forbes.

F. M. Forbes, having been first duly sworn by Acting  
Chairman, Tams Bixby, testifies as follows:

Examination by Commission.

- Q What is your name? A Frances Marion Forbes.  
Q What is your age? A Fifty four  
Q Your post office address? A Booth, Louisiana.  
Q Do you live in Louisiana? A No sir, I live in Mississippi.  
Q How far is Booth from Mississippi? A Just one mile from the line.  
Q How long have you lived in Mississippi? A Well I have lived there  
all my life except two years. I was born and raised in Mississippi.  
Q What two years were you away? A '68 and '70.  
Q Where were you then? A I was just one mile below in Louisiana.  
Q What is your father's name? A William Forbes.  
Q Is he living? A No sir.  
Q What is your mother's name? A Rebecca Forbes.  
Q Is she living? A No sir, she is not living either.  
Q Through which one of your parents do you claim your Choctaw blood  
A My mother.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in  
Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities  
in Indian Territory for citizenship in that Nation? A I have not.  
Q Did you, or did any one in your behalf in 1896, make application  
to the Commission to the Five Civilized Tribes for citizenship in  
the Choctaw Nation? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by judgment of the United States Court in Indian Territory? A No sir.  
Q Have you ever prior to this time made application to either the  
authorities of the Choctaw Nation or of the United States for either  
citizenship or enrollment as a Choctaw? A No sir.  
Q This is your first application of any description? A Yes sir.  
Q It is now your purpose to make application for identification  
for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this  
Commission as a Choctaw Indian entitled to rights in the Choctaw  
lands under article fourteen of the treaty of 1830? A Why do I believe?  
Q Yes. A Because I believe that I have got the Choctaw blood in me.  
Q Are you making your claim as a beneficiary under the 14th article  
of the treaty of 1830? A Yes sir.  
Q Are you familiar with the provisions of that article of that treaty  
A Well not fully, I don't reckon, but I do sort of understand it.  
Q You know when that treaty was made providing for the removal of the  
Choctaw Indians from Mississippi, the 14th article contained certain  
provisions regarding those who desired to remain here.  
A Yes sir.  
Q What was the name of your ancestor who lived in Mississippi and was  
a recognized member of the Choctaw tribe at the time this treaty  
was entered into between the United States and the Choctaw Nation?  
A What was their name? A Yes sir. A William Evans and Liddy Evans  
Q What relation were they to you? A My grandmother and grandfather.  
Q Your mother's mother and father? A Yes sir.

- Q Were they members of the Choctaw tribe of Indians? A Yes sir.
- Q Were they residents of the state of Mississippi in 1830? A Yes sir.
- Q Recognized members of the Choctaw tribe of Indians? A Yes sir.
- Q Have you any evidence of that fact? A Well, yes sir.
- Q Did they leave Mississippi and remove with the Choctaw Indians to Indian Territory? A No sir.
- Q Lived here and died here? A yes sir, and died in Mississippi.
- Q Your mother always lived in Mississippi? A Yes sir. Well, she might have lived a few years in Louisiana, but she lived in Mississippi always after she was married; she lived the balance of her life after she was married in Mississippi.
- Q Did your mother's mother and father or either one of them in 1830 after the ratification of that treaty signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the United States? A I don't understand you; I am a little hard of hearing.
- Q After the ratification of this treaty in 1830 did either your mother's father or mother signify to the U. S. Indian Agent their intention to remain in Mississippi and become citizens of the United States? A Yes sir.
- Q They did? A Yes sir.
- Q Did they either one of them ever receive from the U. S. Government any land as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Did they ever claim any? A No sir.
- Q Are you married? A I have been; I have got no wife living now.
- Q Have you any children under twenty one years of age and unmarried? A No sir, I have not.
- Q You are just making this application for yourself? A Yes sir.
- Q Is there any additional statement that you desire to make at this time in support of your application? A No sir, I don't know that there is.
- Q Is there any written affidavits that you desire to submit to the Commission in support of this application? A Yes sir.

Examination by C. G. Mason, attorney  
for applicant.

- Q Mr. Forbes, have you any relatives in the Indian Territory? A Yes sir.
- Q If so, what relation are they? A I have got an own brother there.
- Q Do you know if he has ever been admitted to citizenship as an Indian ever there? A Well, I think he has.
- Q Do you know his post office address, and so on? A Where he lives? A Yes sir. A Overbrook.
- Q Do you know of what nation he is admitted as a citizen? A Choctaw
- Q What is your brother's name? A Jephtha Martin Forbes.

Commission.

- Q When was he admitted to citizenship in the Choctaw Nation? A Well, I don't really know; he has been living there for about 16
- Q Do you know how he was admitted? A No sir, I can't tell.
- Q Was he admitted by an act of the Choctaw Council? A I think he was.
- Q Or was he admitted by judgment of the United States Courts in Indian Territory? A I could not tell exactly, I don't know.
- Q You don't know do you? A No, I don't know how he was admitted.

Attorney: I will state as my own information that he was admitted by the Circuit Court of the United States for the Southern District of the Indian Territory.



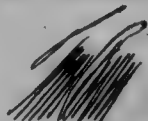
3

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell.*

Subscribed and sworn to before me this 19<sup>th</sup> day of December, 1900.



Acting Chairman.

COPY.

M.C.R. 1116

Muskogee, Indian Territory, August 28, 1902.

Francis M. Forbes,

Beoth, Washington Co.,

Louisiana.

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Alanson Forbes, et al., embracing the following applications for identification as Mississippi

Choctaws:

John Alanson Forbes, et al.,	M.C.R. 1111
Francis Marion Forbes,	" 1116
Martha Forbes,	" 1119
Adolphus Forbes,	" 1121
William R. Forbes, et al.,	" 1584
Thomas Austin Forbes,	" 1882

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Francis M. Forbes-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alanson Forbes, Rebecca Jane Forbes, Martha Louisa Forbes, Samuel Edward Forbes, Elmina Caroline Forbes, Sam Asaiah Forbes, John Alanson Forbes Jr., Eliza Ann Forbes, Harry Hubbard Forbes, Francis Marion Forbes, Martha Forbes, Melphus Forbes, William K. Forbes, Mary Edna Forbes and Thomas Austin Forbes as Cheataw Indians entitled to rights in the Cheataw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James Dwyer*  
Acting Chairman.

Registered.

M.C.R.1116

COPY.

Muskogee, Indian Territory, February 11, 1903.

Francis M. Forbes,

Beeth, Louisiana.

Dear Sir:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,

(SIGNED)

Tamm Bixby.

Acting Chairman.

No. 111

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Francis M. Forbes.

Age 54. Blood

Post Office, Booth, Louisiana.

Father: William Forbes - dead.

Mother: Rebecca Forbes - dead.

Claims through Mother

Children:

Stenographer.  
Anna Bell.

*Francis M. O'Brien*  
**REFUSED**

DECISION RENDERED. **AUG 28 1902**

NOTICE OF DECISION MAILED APPLICANT.

**AUG 28 1902**

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

**AUG 28 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**AUG 28 1902**

RECORD FORWARDED DEPARTMENT.

**AUG 28 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR.

**JAN 30 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**FEB 11 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

**FEB 11 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

**FEB 11 1903**

REFER TO M. O. R. 1111



Choc MCR 1117 Almontine Thomas

see MCR 1112

MCR 1117



A BUREAU OF INDIAN AFFAIRS.

REFUSED.

*Almontine Thomas et al*

DECISION RENDERED.

FEB 5 1903

NOTICE OF DECISION MAILED APPLICANTS.

FEB 5 1903

NOTICE OF DECISION FOR CHICKASAW & CHICKASAW NATIONS.

FEB 5 1903

RECORD FORWARDED RECORD FOR

FEB 21 1903

REMANDED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

MAY 1 1903

RECORD FORWARDED RECORD FOR

JUL 1 1903

ACTION AND DECISION FOR

SEP 25 1903

NOTICE OF DECISION FOR  
FORWARD & APPLICANTS

OCT 7 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARD & APPLICANTS FOR CHICKASAW  
AND CHICKASAW NATIONS.

OCT 7 1903

REFER TO M. C. R. 1112

DECISION PREPARED

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Identification as Mississippi Choctaws of  
Almontine Thomas et al.

Almontine Thomas, being first duly sworn by Acting Chairman  
Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Almontine Thomas.
- Q What is your age? A 21 years.
- Q What is your postoffice address? A Cuevas, Mississippi.
- Q Where do you live? A I live over in the country from Cuevas.
- Q How long have you lived in Mississippi? A All my life; I was born and raised there.
- Q What is your father's name? A Nicholas Narcisse.
- Q Is he living? A No sir.
- Q What is your mother's name? A Hortense Narcisse.
- Q Is she living? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood?
- A Through my mother.
- Q Was your mother a Choctaw Indian? A Yes, a full blood Choctaw.
- Q What is the name of your mother's father? A Valerie Barbaud.
- Q What is the name of your mother's mother? A Betsy.
- Q Was either Valerie or Betsy a full blood? A No, Valerie was half Choctaw and half mulatto.
- Q What is the blood of your father? A Choctaw.
- Q Was he not part negro? A Yes, he was half Choctaw and half negro.
- Q How much Choctaw blood do you claim to have? A 3/4.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No.
- Q Did you, or did anyone in your behalf, make application in the year 1896, to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory? under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by a judgment of the United States court for the Indian Territory on appeal from the decision of the Choctaw tribal authorities, or the decision of this Commission? A No sir.
- Q Have you ever prior to this time, made application to either the tribal authorities of the Choctaw Nation or the authorities of the United States, for either citizenship or enrollment as a Choctaw Indian? A No sir.
- Q Is it now your intention to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A No.
- Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830, at the time when the treaty was entered into between the United States and the Choctaw Indians? A Betsy.
- Q You claim identification as a Mississippi Choctaw by reason of your descent from Betsy do you? A Yes sir.
- Q Did Betsy signify to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratification of the treaty of 1830, her intention to remain and become a citizen of the United States? A No.
- Q Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A Frank Thomas.

2-Almontine Thomas.

- Q Are you making any claim on behalf of your husband? A No sir.  
Q Have you any children? A Yes sir.  
Q Are you making any claim in their behalf? A Yes sir.  
Q What are the names and ages of your children? A Clarence, 2 years and Alma Hortense, 10 months.  
Q Is there any additional statement that you desire to make at this time in support of this application? A No sir.  
Q Have you any documentary evidence that you desire to offer at this time?

Here attorney for applicant asks leave to file written testimony in support of this claim, in the form of affidavits.

By Mr. Hudson, attorney for applicant:

- Q Mrs. Thomas, Mr. Bixby asked you whether or not you were claiming under the 14th article of the treaty of 1830, and you said you was not. Do you know what the treaty of 1830 is? A No sir.  
Q Do you know whether you are claiming under that treaty or that article or not? A No sir.  
Q You don't know anything about it? A No sir.  
Q He also asked you whether or not Betsy signified her intention to remain and become a citizen of the state of Mississippi immediately after the ratification of that treaty; you said she did not. You don't know whether she did or not do you? A No sir.

By Mr. Bixby: Upon a careful consideration of the testimony offered in this case the Commission will render its decision, a copy of which will be furnished you in writing, mailed to your present post-office.

-----C-----

Frances R. Brown having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 3d day of January, A. D., 1901.

*John E. Fieber*

Notary Public.

Muskogee, Indian Territory, January 19, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 18, inclosing papers to be filed in the following applications for identification as Mississippi Choctaws:

1115 Joseph Narcisse, et al.

1115 Clem Narcisse.

1117 Almontine Thomas, et al.

The papers have been duly filed with the other records in the various cases.

Yours truly,

AB

Acting Chairman.

COPY.

M.C.R. 1117.

Muskogee, Indian Territory, February 5, 1903.

Almontine Thomas,

Cuevas, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Frank Nicholas, et al., embracing the following applications for identification as Mississippi Choctaws:

Frank Nicholas, et al.,	M.C.R. 1112
Joseph Narcisse,	M.C.R. 1113
Clem Narcisse,	M.C.R. 1115
Almontine Thomas, et al.,	M.C.R. 1117.

These applications were made under the provisions of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Nicholas, Rosaline Nicholas, Frank Nicholas, Jr., Joseph Narcisse, Clem Narcisse, Almontine Thomas, Clarence Thomas and Alma Hortense Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A. T. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

*Tams Bixby.*

Acting Chairman.

Registered.

M C R 1117

Muskogee, Indian Territory, May 13, 1903.

Almontine Thomas,  
Cuevas, Mississippi.

Dear Madam:

The Secretary of the Interior with his letter of May 4, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Frank Nicholas, et al., with instructions that the several applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the several applicants claim Choctaw descent from one Betsy.

The Secretary of the Interior in his letter states:

As one of these applicants are the children of one Betsy, who is claimed as a full blood Choctaw, and one living, it became necessary that you ascertain whether she has ever been identified by you as a full blood Choctaw, and if not, whether her application for identification as such, was pending prior to March 25, 1903.

Another reason for further investigation is due to the fact that your report, as well as that of the Acting Commissioner, shows that there are a number of persons named Betsy, or Batey, who were entitled to receive the benefits of the 14th article of the treaty of September 27, 1830.

Such being the case it is possible that one of them was identical in person with the Betsy who was the ancestor of these applicants.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of



A T 2

article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications.

A T 3

for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 13, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Doo

Registered

N.C.R. 1117.

COPY.

Winkogee, Indian Territory, October 7, 1903.

Almontino Thomas,

Cuevas, Mississippi.

Dear Madam:

You are hereby notified that on the 25th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank Nicholas, et al., of which decision you were advised by registered mail on the 5th, day of February, 1903.

Respectfully,

Jams Birby

Chairman.

No. 1117

For Identification as a Mississippi Chectaw.

Date DEC 17 1900

Name Almontine Thomas

Age 21 Blood 3/4 Chectaw.

Post Office, Cuevas, Miss.

Father: Nicholas Narcisse

Mother: Hortense Narcisse

Claims through Mother.

Husband: Frank Thomas.

Children:

Clarence Thomas 2 yrs old.

Alma Hortense Thomas 2 mo old

Stenographer

Frances Brown

Choc mcr 1118 Rufus Dixon

see mcr 1122

mcr 1118

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 1118

*Rufus Dixon, et al.*

REFUSED

DECISION RENDERED. JUL 16 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 16 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 16 1902

RECORD FORWARDED DEPARTMENT.

JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 23 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

SEP - 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

SEP - 5 1902

REFER TO M. C. R. 1122.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Application for Identification as a  
Mississippi Choctaw, of Rufus Dickson et al.

Rufus Dickson being first duly sworn by Acting Chairman  
Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Rufus Dickson.  
Q What is your age? A 44 years.  
Q What is your postoffice address? A Mt. Zion, Mississippi.  
Q How long have you lived in Mississippi? A All my life; was born in Mississippi.  
Q What is your father's name? A Tom Dickson.  
Q Is he living? A No sir.  
Q What is your mother's name? A Hannah.  
Q Is she living? A No sir.  
Q Was your father a full blood Choctaw Indian? A Half.  
Q What is the other half? A It was negre descent.  
Q Was your mother a full blood Choctaw? A No, she was a colored woman.  
Q Were your father and mother married? A Yes sir.  
Q How do you know? A I don't know.  
Q Did you ever see their marriage certificate? A No, never did.  
Q But they lived together until they died? A All I know about it, I suppose they was married.  
Q Did you ever hear anyone say they saw them married? A No sir.  
Q You claim your Choctaw Indian blood through your father? A Yes.  
Q And she was a half blood? A Yes sir.  
Q What was the name of your father's father? A Jim is all I can tell you.  
Q Was he a negro? A No, he was an Injun.  
Q Full blood Injun? A Yes sir.  
Q What was your father's mother's name? A I don't know.  
Q Was she an Indian or colored woman? A She was a colored woman.  
Q How much Choctaw blood do you claim to have? A I claim about 1/4  
Q Is your name on any of the tribal rolls of the Choctaw Nation?  
A No sir.  
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No, never did.  
Q Did you, or did anyone in your behalf, make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10, 1896?  
A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by a judgment of the United States court for the Indian Territory on appeal from the decision of the Choctaw tribal authorities, or the decision of this commission? A No.  
Q Have you ever prior to this time made any application to either the tribal authorities of the Choctaw nation in the Indian Territory, or to the authorities of the United States, for citizenship or enrollment as a Choctaw Indian? A No sir.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Do you claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.  
Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time when the treaty was entered into be-



2-Rufus Dickson.

- tween the United States and the Choctaw Indians? A Jim.
- Q Have you any evidence showing that you are a direct lineal descendant of Jim? A No, only what I have been told.
- Q Did Jim signify to the United States Indian agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830 his intention to remain and become a citizen of the United States? A Yes sir.
- Q How do you know he did? A I reckon he did.
- Q How do you know he did? Have you any evidence in support of that statement? A No sir.
- Q Did any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q Are you making any claim on behalf of your wife? A No sir.
- Q Have you any children? A Yes, I have six.
- Q Are you making any claim on behalf of your children? A Yes sir.
- Q What is your wife's name? A Hulda.
- Q Is your wife a negress? A Yes sir.
- Q What are the names and ages of your children? A Maggie, 18 years Florence 16, Thomas 14, Martha 12, Ollie 9 and Rachael 6 years.
- Q Do these children live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Is there any documentary evidence that you desire to offer at this time?

Here attorney for applicant, Mr. Hudson asks leave to file written evidence in support of this claim, within thirty days of this date.

By Mr. Bixby:

Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision a copy of which will be furnished you in writing, mailed to your present post-office address.

-----o-----

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 3rd day of January, 1901.

*John G. Lieber,*

Notary Public.

**DEPARTMENT OF THE INTERIOR**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES**

In the matter of the application of Rufus Dixon et al.,  
for identification as Mississippi Choctaws, consolidating  
the applications of:

Rufus Dixon et al.,	M.C.R. 1118
Jane McLaren,	M.C.R. 1122

List of papers forwarded to the Secretary of the Interior,  
comprising the report in the consolidated case  
Rufus Dixon et al.

(Page)

Original application of Rufus Dixon et al. before the Dawes Commission for identification as Mississippi Choctaws .....	1
Affidavit of L.A. McGaskill.....	3
Affidavits of Solomon Walker, Mary Walker, Rachael Berry, Mary Welch, Jerry Norwood, Roda Norwood, Kate Norwood, Amanda M. Walker and M.L. Walker.....	4
Original application of Jane McLaren before the Dawes Commission for identification as a Mississippi Choctaw....	5
Decision of the Commission denying the consolidated application of Rufus Dixon et al. for identification as Mississippi Choctaws.....	7

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*R.D.W.  
C.V.W.*  
In the matter of the application of Rufus Dixon et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of:

Rufus Dixon et al.,  
Jane McLaren,

M.C.R. 1118  
M.C.R. 1122

-1 DECISION -1-

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Rufus Dixon for himself and his six minor children, Maggie,  
Florence, Thomas, Martha, Ollie and Rachael Dixon; and by Jane  
McLaren for herself, under the following provision of the act of  
Congress, approved June 22, 1890, (26 Stats. 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may  
administer oaths, examine witnesses and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jim Injun, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat. 581).


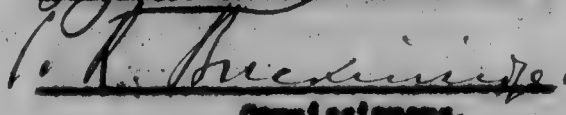
It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty and to persons who heretofore were claimants thereunder that the said Jim Injun or ancestors less remote or any of the applicants herein signified (in person or

(2)

by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rufus Dixon, Maggie Dixon, Florence Dixon, Thomas Dixon, Martha Dixon, Ollie Dixon, Rachael Dixon and Jane McLaren as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
\_\_\_\_\_  
ACTING CHAIRMAN.  
  
\_\_\_\_\_  
Commissioners.

McKaggee, Indian Territory.

JUL 16 1902

COPY.

Land 42740-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Aug. 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 16, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the matter of the application of Rufus Dixon for the identification of himself and his six minor children, Maggie, Florence, Thomas, Martha, Ollie and Rachael Dixon; and of Jane McLaren for the identification of herself, as Mississippi Cheetaws claiming rights in the Cheetaw lands under the provisions of the fourteenth article of the treaty of 1830.

Descent is claimed through Tom Dixon, father of the principal applicant, to his grandfather Jim Injun.

And examination of the records of this office discloses the names of Jim, James and Jimmy, as persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, but the name of Jim Injun or Injun Jim do not so appear, and the office is unable to determine whether any one of the persons whose names appear

on its records, as noted above, is the ancestor from whom descent is claimed by the applicants.

July 15, 1902, the Commission held that the applicants were not entitled to identification as Mississippi Choctaws.

As it is not shown that any of the alleged ancestors complied or attempted to comply with said article fourteen, or with the subsequent Acts of March 3, 1837 and August 23, 1842, it is respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

GAW  
D

3 inclosures.



D. C. 14039-1902.

50709.

RAF.

DEPARTMENT OF THE INTERIOR.

Washington, August 23, 1902.

FTD. 5183-1902.

L. R. S.

The Commission to the Five Civilized Tribes,  
Muskegee, I. T.

Gentlemen:

With your letter of July 16, 1902, you transmitted the record and your decision of that date, in the consolidated case involving the applications for identification as Mississippi Choctaws, of Rufus Dixon and his minor children, Maggie, Florence, Thomas, Martha, Ollie and Rachael Dixon; and of Jane McLaren.

The applicants endeavor to trace their descent from one Jim Rajun, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Jim Rajun or a less remote ancestor of the applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 ( 5 Stat., 180), and August 23, 1842 ( 5 Stat., 513). You therefore refused the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 30, 1902, and stated that the records of his office show that persons named "Jim, James, and Jimmy," respectively, complied or attempted to comply with said article XIV, "but the name of Jim Injun or Injun Jim do not so appear, and the office is unable to determine whether any one of the persons whose names appear on its records, as noted above, is the ancestor from whom descent is claimed by the applicants." He recommends that your decision be approved.

After a careful consideration of the whole case, the Department affirms your case. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary,

H M D.

i inclosure.

1118  
FOR IDENTIFICATION AND  
A MISSISSIPPI CHOCTAW

Rufus Dixon. Etal.

Mo. 1118.

# CHOCTAW NATION.

OFFICE	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			No.	NAME OF FATHER	YEAR	COUNTY
				YEAR	COUNTY					

REFER TO M. C. R. 1118

*Rufus Dickson  
et al*

*Consolidated Case*

Jim Dixon full

Tom Dickson  $\frac{1}{2}$  choc  
 $\frac{1}{2}$  negro

wife

Nannah Dickson  
 $\frac{1}{2}$  negro  
 $\frac{1}{2}$  white

mb R  
11/18

Rufus Dickson 44  $\frac{1}{4}$   
wife negro  
Hulda Dickson

mb R  
11/22

Jane Dickson 42  $\frac{1}{4}$   
married  $\frac{1}{4}$  negro  
 $\frac{1}{2}$  white  
Ned McLaurin

mb R  
11/18

Maggie Dickson 18  
Florence Dickson 16  
Thomas Dickson 14  
Martha Dickson 12  
Albi Dickson 9  
Rachael Dickson 6

COPY.

H C R 1118

Mustagee, Indian Territory, July 16, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

Seathemoalester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus Dixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Rufus Dixon, et al.,

H C R 1118

Jane McLaren,

\* 1122

These applications were made under the provisions of the act of Congress of June 28, 1893 (50 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rufus Dixon, Maggie Dixon, Florence Dixon, Thomas Dixon, Martha Dixon, Ollie Dixon, Michael Dixon and Jane Mc-

X MOH & C Co

Laren as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tams Bixby.*

Acting Chairman.



COPY.

M C R 1118

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Rufus Dixon, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Rufus Dixon, et al.,	M C R 1118
Jane McLaren,	" 1122

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*Tams Dixby.*

Acting Chairman

Through the Commissioner  
of Indian Affairs,  
1 enclosure.

COPY.

M C R 1116

Muskogee, Indian Territory, July 16, 1902.

Rufus Dixon,

Mount Zion, Mississippi.

Dear Sir:

You are hereby advised that on the 16th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus Dixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Rufus Dixon, et al.,

M C R 1116

Jane McLaren,

" 1122

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rufus Dixon, Maggie Dixon, Florence Dixon, Thomas Dixon, Martha Dixon, Ollie Dixon, Rachael Dixon, and Jane Mo-

R D #2

Laren as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tams Bixby.*

Acting Chairman.

Registered.

M. C. R. 1112

COPY.

Washkago, Indian Territory, September 8, 1902.

Rufus Dixon,

Ht. Elm, Simpson County,

Mississippi.

Dear Sir:

You are hereby advised that on the 22d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheestaw of the several persons included in the consolidated case of Rufus Dixon, et al., of which decision you were advised by registered mail on the 10th day of July, 1902.

Yours truly,

(SIGNED)

*Tame Dixby*

Acting Chairman.

Muskogee, Indian Territory, September 8, 1908.

Mannfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,  
 South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 25th day of August, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rufus Nixon, et al., of which decision you were advised by mail on the 16th day of July, 1908.

Yours truly,

SIGNED,

*James Dixby.*

Acting Chairman.

No. 111

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Rufus Dixon

Age 44

Blood 1/4 Choctaw.

Post Office, Mt. Zion, Miss.

Father: Tom Dixon Dead

Mother: Hannah " Dead

Claims through Father

Wife: Hulda Dixon

Children:

1. Maggie Dixon	18 years old.
2. Florence "	16 " "
3. Thomas "	14 " "
4. Martha "	12 " "
5. Ollie "	9 " "
6. Rachel "	6. " "

Stenographer

Frances Brown.

Choc MCR 1119 Martha Forbes

see MCR 1111

MCR 1119



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application of Martha Forbes for identification as a Mississippi Choctaw.

Martha Forbes, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Martha Forbes.
- Q How old are you? A Fifty one.
- Q What is your post office address? A Ball Town, Louisiana.
- Q Do you live in Louisiana? A No sir, I live in Mississippi.
- Q How far is Ball Town from Mississippi? A About two miles.
- Q That is your most convenient post office? A Yes sir, most convenient post office.
- Q How long have you lived in Mississippi? A All my life but a year and a half that I lived in Indian Territory with my brother; I went out there in January '93 and stayed until August, '894. I contracted there with two gentlemen to get land for me while I was there.
- Q You were born in Mississippi? A Yes sir.
- Q What was your father's name? A William Forbes.
- Q Is he living? A No sir.
- Q What is your mother's name? A Rebecca Forbes.
- Q Is she living? A No sir, she is dead.
- Q Through which one of your parents do you claim your Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim? A One quarter
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.
- Q Did you, or did any one in your behalf in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
- A My brother that lived there, I think did.
- Q Did he make application for you? A Oh, no, he didn't make any for me, he did for himself.
- Q You didn't make any application for yourself? A No sir.
- Q Or no one made any for you? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts in Indian Territory on appeal from the decisions of the Choctaw tribal authorities or the decision of this Commission? A No sir.
- Q This is the first application you have ever made? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in Choctaw lands under the provisions of the 14th article of the treaty of 1830?
- A You say why?
- Q Yes. A I have always been told that I was through my mother and grandfather was a half blood Choctaw Indian.
- Q Are you making your application under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Are you familiar with the provisions of that article of that treaty?
- A Yes sir.
- Q What is the name of your ancestor who was a recognized member of

the Choctaw tribe of Indians in Mississippi in 1830 at the time of the ratification of the treaty between the United States and the Choctaw Indians? A My grandfather and grandmother. William Evans, and Liddy Evans, my grandmother was Biddy Rushen before she married.

- Q Your grandparents always lived in Mississippi? A Yes sir.
- Q Have you any evidence showing that they were ever recognized members of the Choctaw tribe in 1830? A Have I which?
- Q Have you any evidence showing that they were recognized members of the Choctaw tribe here in Mississippi in 1830? A Yes sir I have
- Q Did your ancestors signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification of this treaty? A Yes sir, I guess so.
- Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of this treaty? A No.
- Q You have always lived in Mississippi with the exception of the year and a half you spent in Indian Territory? A Yes sir.
- Q Did your parents always live in Mississippi. A My mother, my father he came from South Carolina.
- Q Has your mother always lived in Mississippi? A Yes sir.
- Q Did her parents always live here? A I think that they came from Georgia, I don't know.
- Q Do you know when they came from Georgia? A No sir, I don't know, it has been so long ago. I don't remember anything about it.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q Just making application for yourself, are you? A ~~Yes~~. Just for myself.
- Q Is there any additional statement that you desire to make? A No sir

Examination by C. G. Mason, attorney for applicant.

- Q Miss Forbes, you say you resided in Indian Territory about a year and a half? A Yes sir.
- Q With whom? A My brother, J. N. Forbes.
- Q Do you know if he has ever been admitted to citizenship in the Indian Territory? A Yes sir.
- Q Did you give your brother's name just now? A J. N. Forbes.
- Q Well, what relation is he, if any, to F. M. Forbes and J. A. Forbes, who have just made application? A He is their own brother.
- Q What relation is he to you? A Own brother; all of the same mother.

how Commission.

- Q Do you know J. N. Forbes became a citizen of the Choctaw Nation? A How he came?
- Q Yes, how he was admitted to citizenship? A No sir, I don't know how but he has been admitted.
- Q Wasn't he admitted by a judgment of the United States Court in Indian Territory? A Well, he might have been.
- Q How long ago has it been since he was admitted to citizenship? A Well, I don't know just exactly how long.
- Q About how long? A Its been about eight years, seven or eight years I think about eight years.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, and the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 19<sup>th</sup> day of December, 1900.



*Acting Chairman*

Muskogee, Indian Territory, January 19, 1901.

Mr. C. G. Mayson,  
Columbia, Mississippi,

Dear Sir:

The Commission is in receipt of your letter of January 8, inclosing papers to be filed in the case of Martha Forbes claim for identification as a Mississippi Choctaw. The papers have been filed with the records in this case.

Yours truly,

AB  
H.C. 4119

Acting Chairman.

COPY. M.C.R. 1119

Muskogee, Indian Territory, August 28, 1902.

Martha Forbes,  
Balltown, Washington Co.,  
Louisiana.

Dear Madam:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Alansen Forbes, et al., embracing the following applications for identification as Mississippi Choctaws:

John Alansen Forbes, et al.,	M.C.R.	1111
Francis Marion Forbes,	"	1116
Martha Forbes,	"	1119
Adolphus Forbes,	"	1121
William R. Forbes, et al.,	"	1584
Thomas Austin Forbes,	"	1282

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



Martha Forbes

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Shannon Forbes, Rebecca Jane Forbes, Martha Louise Forbes, Samuel Edward Forbes, Maria Carolina Forbes, Sam Butler Forbes, John Shannon Forbes Jr., Miss Ann Forbes, Harry Richard Forbes, Francis Marion Forbes, Martha Forbes, Adolphus Forbes, William A. Forbes, Mary Edna Forbes and Thomas Edwin Forbes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tamc Digby.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 11, 1908.

Martha Forbes,

Balltown, Louisiana.

Dear Madam:

You are hereby notified that on the 30th day of January, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by registered mail on the 28th day of August, 1908.

Respectfully,

Very truly,

*Tams Bixby.*

Acting Chairman.



No. 1119

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Martha Forbes.

Age 51 Blood 1/4

Post Office, Balltown, Louisiana.

Father: William Forbes - dead.

Mother: Rebecca Forbes - dead

Claims through no other.

Children:

Stenographer.  
Anna Bell.

*Martha Forbes*

**REFUSED**

DECISION RENDERED. **AUG 23 1902**

NOTICE OF DECISION MAILED APPLICANT.

**AUG 28 1902**

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

**AUG 28 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**AUG 28 1902**

RECORD FORWARDED DEPARTMENT.

**AUG 28 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR.

**JAN 30 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**FEB 11 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

**FEB 11 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

**FEB 11 1903**

REFER TO M. C. R. 1111

Chae MCR 1120 Mary Amanda Walker

MCR 1120

APPLICATION AS MADE  
A MISSISSIPPI CHOCTAW.

*Mary Amanda Walker et al*

REFUSED

DECISION RENDERED. JUL 26 1902

NOTICE OF DECISION MAILED APPLICANT:

JUL 26 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 26 1902

RECORD FORWARDED DEPARTMENT.

JUL 26 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

OCT 22 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT :

OCT 31 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 31 1902

M.C.1920

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Indian Territory, December 17, 1900.

In the Matter of the Application for Identification as  
Mississippi Cheetaws of Mary Amanda Walker et al.

Mary Amanda Walker being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q State your name? A Mary Amanda Walker.
- Q How old are you? A Fifty years.
- Q What is your postoffice address? A Bogens, Miss.
- Q Do you live at or near Bogens? A Yes sir.
- Q How long have you lived in Mississippi? A I have been living in Mississippi ever since--I was born and bred in Mississippi.
- Q You were born in Mississippi and have lived in Mississippi all your life? A Yes sir.
- Q What is your father's name? A His name is Shake.
- Q Is he living? A No, he went off and left us when I was a little child.
- Q Do you know he is dead? A No, I don't know whether he is dead or not. I reckon he was old enough to be dead. He was an old man when I was a little girl.
- Q Was he a full blood Cheetaw Indian? A Yes sir.
- Q What is your mother's name? A Caroline Brown?
- Q Is she living? A No sir.
- Q Was she a Cheetaw Indian? A No, she was only 1/4; her grandfather was Cheetaw.
- Q What was her father? A I don't know. What you might call a mulatto man.
- Q What was her mother? A She was a ginger cake colored woman.
- Q Your mother's mother and mother's father had both negre and Indian blood in them? A Yes sir.
- Q Through which one of your parents do you claim Indian blood?
- A My father.
- Q Were your father and mother married? A No.
- Q How much Cheetaw blood do you claim to have? A 3/3 I believe.
- Q Is your name on any of the Cheetaw tribal rolls of the Cheetaw Nation in the Indian Territory? A I don't know.
- Q You never was in the Cheetaw Nation in the Indian Territory, were you? A No sir.
- Q So far as you know your name has never been on the tribal rolls in the Indian Territory, has it? A No sir.
- Q Did you ever make application to the Cheetaw tribal authorities in the Indian Territory, for citizenship in the Cheetaw Nation? A No.
- Q Did you or did anyone in your behalf make application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Cheetaw Nation under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Cheetaw Nation by a judgment of the United States court in the Indian Territory on appeal from the decision of the Cheetaw tribal authorities or the decision of this Commission? A No sir.
- Q Have you ever prior to this time made any application to either the tribal authorities of the Cheetaw Nation in Indian Territory, or to the authorities of the United States for citizenship or enrollment as a Cheetaw Indian? A No sir.
- Q Is it now your purpose to make application for identification as a Mississippi Cheetaw? A Yes sir.
- Q Do you claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor who was a resident of the state

Q-Mary A. Walker.

- of Mississippi and a recognized member of the Cheetaw tribe of Indians in 1830, at the time the treaty was entered into between the United States and the Cheetaw Indians? A I don't understand.
- Q Was your father Shake, a recognized member of the Cheetaw tribe of Indians in 1830? A I reckon he was dead at that time.
- Q Did Shake signify to the United States Indian Agent of the Cheetaw tribe of Indians in Mississippi, his intention, in 1830, to remain and become a citizen of the United States? A I don't know; they moved us out and I don't know.
- Q Did Shake or any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Mike Walker.
- Q You are not making any claim on his behalf? Do you claim he is a Mississippi Cheetaw? A No, he is of the African race.
- Q He is negro, is he? A Yes sir.
- Q You are not claiming for him, are you? A I would if I could.
- Q Do you or do you not? A No sir.
- Q Have you any children? A Yes sir.
- Q Do you wish to make application on behalf of your children? A Yes
- Q What are the names and ages of your children under 21 years of age and unmarried? A Please 20 years, Caroline 18, Tom 16, Ed 13, Eddie 13 (twins) Harriet 11 Jim 9 years.
- Q Do these children live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir.
- Q Have you any documentary evidence which you desire to offer in support of this application?

Here attorney Hudson asks leave to file additional evidence in the form of ~~stat~~ affidavits in support of this claim, within thirty days of the present date.

By Mr. Hudson:

- Q When Mr. Bixby asked you how much Indian blood you had you claimed you had 3/8; didn't you mean 3/4? A Yes, I reckon.

By Mr. Bixby:

Upon a careful consideration of the testimony offered in support of this application the Commission will render its decision, a copy of which will be furnished you mailed to your present postoffice address.

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Frances R. Brown having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 3rd day of January, 1901.

*John E. Lieber,*

Notary Public.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Mary Amanda Walker  
et al., for identification as Mississippi Choctaws. M.C.R. 1130.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above entitled case.

Original application of Mary Amanda Walker  
et al., to the Board of Commissioners for identi-  
fication as Mississippi Choctaws.....1  
Affidavit of E. A. McDowell.....2  
Joint affidavit of Rachel Howard, et al.....4  
Minutes of the Commission showing the ap-  
plication of Mary Amanda Walker, et al.,  
for identification as Mississippi Choctaws.....5

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*C. W.*  
C. W.

\*\*\*\*\*

In the matter of the application of Mary Amanda Walker  
et al., for identification as Mississippi Choctaws. M.G.R. 1120.

--- DECISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary Amanda Walker for herself and her seven minor children, Pleas, Caroline, Tom, Ed, Eddie, Harriet and Jim Walker, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

(8).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Snake, who is alleged to have been a fullblood Cheetaw Indian, and one Caroline Brown, who is alleged to have been an one-quarter blood Cheetaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that either the said Snake, Caroline Brown or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 140), and August 23, 1842, (5 Stats., 515).

It is, therefore, the opinion of this Commission that


(3).

the evidence herein is insufficient to determine the identity of Mary Amanda Walker, Pleas Walker, Caroline Walker, Tom Walker, Ed Walker, Eddie Walker, Harriet Walker and Jim Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JUL 26 1902

  
ACTING CHAIRMAN.

COMMISSIONER

  
COMMISSIONER

Muskegee, Indian Territory, January 16, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 14,  
inclosing affidavits to be filed in support of the following appli-  
cations for identification as Mississippi Choctaws:

1158, Robert A. Conerly  
1157, Walter W. Conerly  
1120, Mary A. Walker  
1214, Florence A. Harvey.  
1118, Rufus Dixon  
1156, Tilman S. Conerly.

In reply to your request for fifty blank applications for  
enrollment of infant children, you are advised that the Commission  
has no forms for the enrollment of infant applicants for identifica-  
tion as Mississippi Choctaws.

Yours truly,

Acting Chairman.

COPY-

M C R 1120

Muskegee, Indian Territory, July 26, 1902.

Mary Amanda Walker,  
Boggan, Simpson County,  
Mississippi.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Amanda Walker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Amanda Walker, Pless Walker, Caroline Walker, Tom Walker, Ed Walker, Eddie Walker, Harriet Walker and Jim Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".



Mary Amanda Walker

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNET

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

K. O. R. 1120

Muskogee, Indian Territory, July 26, 1902.

Messrs Vanfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Amanda Walker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Amanda Walker, Pleas Walker, Caroline Walker, Tom Walker, Ed Walker, Eddie Walker, Harriet Walker and Jim Walker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".



M. H. & Co.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner In Charge.

M. C. R. 1182

Muskogee, Indian Territory, July 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Mary Amanda Walker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26th, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(signed)

*T. B. Needles.*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs,

1 enclosure.

C o p y.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Land.  
45075--1902.

Washington, Oct. 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith the record of the proceedings of the Commission to the Five Civilized Tribes in the matter of the application of Mary Amanda Walker, et al., for identification as Mississippi Choctaws, wherein the Commission to the Five Civilized Tribes rejected the applicants for identification on July 26, 1902.

The record in this case shows that the applicants base their claim on their descent from one Shake, a full blood Choctaw Indian who was the father of Caroline Brown, and Caroline Brown was the mother of Mary Amanda Walker. There is no proof as to the question of whether Shake was alive or dead at the time of the taking of this evidence. Mary Amanda Walker was unable to submit any direct proof with reference to compliance or an attempt to comply with the provisions of the 14th article of the treaty of 1830 by her grandfather Shake.

The records of this office show that there was no such person as Shake who complied or attempted to comply with the provisions of the Choctaw treaty of 1830, neither is the name of Caroline

line Brown, his reputed daughter, found in the list of those who complied or attempted to comply with the provisions of that article.

It is evident in the light of these facts that the decision of the Commission adverse to these applicants was correct. I therefore recommend that its decision refusing identification to Mary Amanda Walker and her children, Pleas, Caroline, Tom, Ed, Eddie, Harriet and Jim Walker, be approved.

Very respectfully,  
Your obedient servant.

A. C. TONNER,

Acting Commissioner.

E.B.H. (E).

C o p y.

D.C. 19883.

DEPARTMENT OF THE INTERIOR.

RAF

ITH.6342-1902.

Washington, October 22, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 26, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Amanda Walker and her minor children, Pleas, Caroline, Tom, Ed, Eddie, Harriet and Jim Walker.

The applicants claim to be descendants of one Shake, alleged to have been a full blood Choctaw Indian, and one Caroline Brown, alleged to have been a quarter blood Choctaw.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that the said Shake or said Caroline Brown complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application July 26, 1902.

Forwarding the papers October 14 the Acting Commissioner of Indian Affairs recommends your decision be approved. A copy of his letter is inclosed herewith.

--2--

Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

E. A. HITCHCOCK,

Secretary.

1 inclosure.



M. C. R. 1120

COPY.

Muskogee, Indian Territory, October 31, 1902.

Mary Amanda Walker,

Boggan, Simpson County, Mississippi.

Dear Madam:

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Mary Amanda Walker, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

*Tame Dixey.*  
Acting Chairman.



COPY.

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen;

You are hereby advised that on the 22nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Mary Amanda Walker, et al., of which decision you were advised by mail on the 26th day of July, 1902.

Respectfully,

RECEIVED

*Tamie Dixby.*

Acting Chairman.

M C R 1120  
M C R 6751

Muskogee, Indian Territory, September 9, 1903.

Mrs. Mamie Mullins,  
Asher, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, wherein you ask that the "roll" be examined for the name of one Tom Walker, and that you be furnished his post office address. You also ask when Mississippi Choctaws enroll.

In reply you are informed that it appears from our records that on February 21, 1903, Tom B. Walker, forty-one years of age, post office Ukolona, Mississippi, made application to this Commission for the identification of himself and four minor children as Mississippi Choctaws. Up to the present time no action has been taken on his application.

It further appears from our records that on December 17, 1900, Mary Amanda Walker, age fifty, post office Bogens, Mississippi, made application to this Commission for the identification of herself and her seven minor children, Pleas, Caroline, Tom, Ed, Eddie, Harriet and Jim Walker, as Mississippi Choctaws. On October 22, 1902, the Secretary of the Interior approved the decision of the Commission refusing this application.

Referring to your inquiry as to when Mississippi Choctaws

Mrs. M M 2

enroll, you are informed that it is presumed you have reference to making application for identification as a Mississippi Choctaw, and your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

120  
For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Mary Amanda Walker

Age 50

Blood 3/4

Post Office, Bogens, Miss.

Father: Shake

Mother: Caroline Brown

Claims through Father

Husband: Mike Walker

Children:

- 1 Oless 20 years old
- 2 Caroline 18 " "
- 3 Tom 16 " "
- 4 Ed 13 " "
- 5 Eddie 13 " "
- 6 Harriett 11 " "
- 7 Jim 9 " "

Stenographer

Ms. Francis Brown

Choc mcr 1121 Adolphus Forbes

see mcr 1111

mcr 1121

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 17, 1900.

In the matter of the application of Adolphus Forbes for identification as a Mississippi Choctaw.

Adolphus Forbes, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Adolphus Forbes.  
Q How old are you? A I will be twenty in January.  
Q Where are your father and mother? A They are both dead.  
Q Who do you live with? A I live with my step mother.  
Q Your own father and mother are both dead? A Yes sir.  
Q Has any one ever been appointed guardian for you by the courts?  
Q No sir, I don't think so.  
Q You have no guardian that looks after your affairs? You are an orphan under twenty one years of age? A Yes sir.  
Q Who looks after you? A No one.  
Q What is your post office address? A Dexter.  
Q Mississippi? A Yes sir.  
Q Are you a resident of the state of Mississippi? A Yes sir.  
Q How long have you lived here? A All my life.  
Q Never lived anywhere else? A No sir.  
Q What is your father's name? A Alfred Forbes.  
Q Is he living? A No sir.  
Q What was your mother's name? A Harriet Forbes.  
Q Is your mother living? A No sir she is dead.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Father.  
Q How much Choctaw blood have you? A I don't know how much.  
Q Well, how much of a Choctaw was your father? A I don't know; I don't know exactly how much.  
Q Well, about how much Choctaw are you? A I don't know. My father is a brother to J. N. Forbes who lives in Indian Territory.  
Q Well, how much Choctaw is he? A He is a fourth I think.  
Q Well then, you would be about an eighth wouldn't you? You are about an eighth? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir, not that I know of.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in Indian Territory on appeal from the decision of the tribal authorities of the Choctaw Nation or of this Commission? A No sir.  
Q Have you ever prior to this time made any application to either the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.  
Q This is the first application you have made of any description?  
A Yes sir.  
Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Are you claiming rights to identification under the provisions of the fourteenth article of the treaty of 1830? A How is that?  
Q Are you claiming right to identification as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.



- Q What is the name of your ancestor who resided in Mississippi in 1830 at the time the treaty was entered into between the United States and the Choctaw Nation, who was a recognized member of the Choctaw tribe of Indians? A I don't know.
- Q Your ancestors always lived in Mississippi, your father and mother lived here? A Yes sir.
- Q Father always live here? A Yes sir.
- Q How was your father's people, have they always lived here? A I don't know; they lived here I think.
- Q Do you know which one of your father's parents or grand parents were living here in 1830 at the time this treaty was made, that is seventy years ago? A I think both of them were living here.
- Q Were they recognized Choctaw Indians? A No sir, I don't know.
- Q Did any of your ancestors ever signify to the United States Indian Agent to the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States within six months after the ratification of this treaty? A I don't know.
- Q Did any of your ancestors ever receive or claim any lands in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know whether they did or not.
- Q Are you married? A No sir.
- Q Ever been married? A No sir.
- Q Just making this application for yourself are you? A Yes sir.
- Q Any additional statement that you desire to make in support of your application? (No answer)

Examination by C. G. Mason,  
Attorney for applicant.

- Q Have you any relatives in Indian Territory, got any kin folks in Indian Territory? A Yes sir.
- Q Who? A I have got an uncle there.
- Q How long has he been living there, do you know? A About 15 years.
- Q What is his name? A Jeptha N. Forbes.
- Q Do you know if he has been admitted to citizenship in Indian Territory? A Yes sir, I think so.
- Q Well what relation are to these other applications here, these other three Forbes? A They are my uncles and aunt.
- Q Your uncles and aunt? A Yes sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 19 day of December, 1900.

  
Acting Chairman.



COPY.

M.C.R. 1111

Muskogee, Indian Territory, August 28, 1902.

Adolphus Forbes,  
Dartar, Marion Co.,  
Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Alanson Forbes, et al., embracing the following applications for identification as Mississippi Choctaws:

John Alanson Forbes, et al.,	M.C.R. 1111
Francis Marion Forbes,	" 1116
Martha Forbes,	" 1119
Adolphus Forbes,	" 1121
William B. Forbes, et al.,	" 1584
Thomas Austin Forbes,	" 1582

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Adolphus Forbes

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alanson Forbes, Rebecca Jane Forbes, Martha Louisa Forbes, Samuel Edward Forbes, Elmina Caroline Forbes, Tom Butler Forbes, John Alanson Forbes Jr., Eliza Ann Forbes, Harry Hubbard Forbes, Francis Marion Forbes, Martha Forbes, Adolphus Forbes, William R. Forbes, Mary Edna Forbes and Thomas Austin Forbes as Cheataw Indians entitled to rights in the Cheataw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

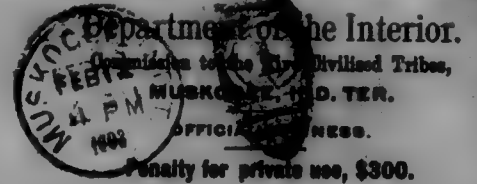
You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tamm Dwyer*  
Acting Chairman

Registered

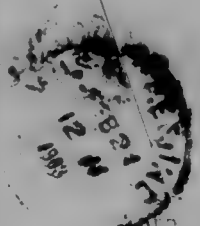


Adolphus Forbes,

~~Denton, Mississippi.~~

*Ind. Ter.*

1121



DEPT. OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

FEB 25 1903

A handwritten signature in dark ink, appearing to be "R. G. ...", written over the "ACTING CHAIRMAN" text.

ACTING CHAIRMAN

W.O.B.

COMMISSIONERS

HENRY L. DAWES,  
TAMM WIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1121

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 11, 1903.

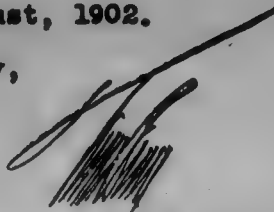
Adolphus Forbes,

Dexter, Mississippi.

Dear Sir:

You are hereby notified that on the 30th day of January, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Alanson Forbes, et al., of which decision you were advised by registered mail on the 28th day of August, 1902.

Respectfully,



Acting Chairman.

No. 1121

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Adolphus Forbes.

Age 20. Blood  $\frac{1}{8}$

Post Office, Dexter, Miss

Father: Alfred Forbes - dead.

Mother: Harriet Forbes - dead.

Claims through father.

Children:

Stenographer:  
Anna Bell.

REFUSED

DECISION RENDERED. AUG 28 1902

NOTICE OF DECISION MAILED APPLICANT.

AUG 28 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

AUG 28 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 28 1902

RECORD FORWARDED DEPARTMENT.

AUG 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 30 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

FEB 11 1903

REFER TO M. C. R. 1111



Choc mcr 1122 Jane McLaren

see mcr 1118

mcr 1122

R. 13  
*Jane Mc Laren.*

**REFUSED**

**DECISION RENDERED. JUL 16 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 16 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR OHOCTAW AND CHICKASAW NATIONS.**

**JUL 16 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 16 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**AUG 23 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP - 5 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR OHOCTAW  
AND CHICKASAW NATIONS.**

**SEP - 5 1902**

**REFER TO M. C. R.** *1118*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 17, 1900.

In the Matter of the Application for Identification as a  
Mississippi Cheetaw of Jane McLaren.

Jane McLaren having been first duly sworn by Acting Chair-  
man Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Jane McLaren.  
Q What is your age? A 42 years.  
Q What is your postoffice address? A Bogens, Mississippi.  
Q Where do you live? A I live in Mississippi.  
Q Near Bogens? A Yes sir.  
Q How long? A I was born and raised in Mississippi.  
Q You were born in Mississippi and lived in Mississippi all your life?  
A Yes sir.

Q What is your father's name? A Tom Dickson.

Q Is he living? A No sir

Q Was he an Indian? A Half Indian.

Q What was the other half? A I don't know; colored.

Q Negro? A Yes sir.

Q What is your mother's name? A Hannah. She was a mulatto woman.

Q Is she living? A No sir.

Q She was half negro and half ~~mulatto~~ white? A Yes sir.

Q Do you claim your Cheetaw blood through your father? A Yes sir.

Q How much Cheetaw blood do you claim to have? A 1/4.

Q 1/4 Cheetaw, 1/2 negro and 1/4 white; is that right? A I reckon that is right.

Q Is your name on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A I don't know.

Q You never heard of its being there? A No sir.

Q Did you ever make application to the Cheetaw tribal authorities for citizenship in the Cheetaw Nation in the Indian Territory?

A No sir.

Q Did you or did anyone in your behalf, make application in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Cheetaw Nation in the Indian Territory under the act of Congress of June 10, 1896? A I don't know sir.

Q Have you ever been admitted to citizenship in the Cheetaw Nation by a judgment of the United States court for the Indian Territory on appeal from the decision of the Cheetaw tribal authorities or the decision of this Commission? A Not that I know of.

Q Have you ever prior to this time, made application to either the tribal authorities of the Cheetaw Nation, or the ~~United States authorities~~ authorities of the United States for citizenship or enrollment in the Cheetaw Nation? A No sir.

Q Is it now your intention to make application for identification as a Mississippi Cheetaw? A Yes sir.

Q Do you claim as a beneficiary under the provisions of the 14th article of the treaty of 1830? A I don't know; I don't understand.

Q How old was Tom Dickson when he died? A I don't know; about 50 years; he was an old man.

Q How long has he been dead? A About forty years.

2 Jane McLaren.

- Q Was Tom Dickson a resident of the state of Mississippi and a recognized member of the tribe of Chectaw Indians in 1830, at the time when the treaty was entered into between the United States and the Chectaw tribe of Indians? A I don't know; I guess his father was
- Q What was the name of Tom Dickson's father? A Jim Injun.
- Q Was he a recognized Chectaw Indian at that time? A I don't know.
- Q Have you any evidence showing that you are a direct lineal descendant from Jim? A According to what my father said. He said he was
- Q He is not living now? A No, but he always claimed it; so did my mother.
- Q Did either Jim Injun or Tom Dickson signify to the United States Indian agent of the Chectaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, his intention to remain and become a citizen of the United States? A I don't know.
- Q Did you ever hear whether they did or didn't? A No sir.
- Q Did Jim Injun or Tom Dickson, or any of your ancestors, ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know about Jim Injun, but my father didn't; my father was a slave and Jim Injun wasn't.
- Q Jim Injun was a free Indian? A Yes, and my father was a slave, and his mother was a slave woman.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Ned McLaren.
- Q Is he a colored man or an Indian? A He is a colored man.
- Q You are not making any claim on his behalf? A No sir.
- Q Have you any children under 21 years of age and unmarried? A I have one, 23 years old and married.
- Q Is there any additional statement which you desire to make in support of your application? Do you want to say anything more? A No
- Q Is there any documentary evidence which you desire to offer at this time in support of your application? A Not that I know of.

Here attorney Hudson, for applicant, asks leave to file written evidence in form of affidavits in support of this claim within thirty days from this date.

By Mr. Bixby: After a careful consideration of the testimony introduced in this case the Commission will render its decision, a copy of which will be mailed to you at your present postoffice address.

-----o-----

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 5th day of January, 1901.

*John L. Fieber*

Notary Public.

COPY.

M C R 1122

Wagon, Indian Territory, July 16, 1908.

Jane McLaren,

Boggan, Mississippi.

Dear Madam:

You are hereby advised that on the 16th day of July 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus Dixon, et al., embracing the following applications for identification as Mississippi Choctaws:

Rufus Dixon, et al.,

M C R 1116

Jane McLaren,

" 1122

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rufus Dixon, Maggie Dixon, Florence Dixon, Thomas Dixon, Martha Dixon, Ollie Dixon, Rachel Dixon and Jane McLaren as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article fourteen of the treaty of eighteen hundred and

7-22-40

third, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tams Bixby*

Acting Chairman.

Registered.



U. S. 2, 188

COPY.

Washington, Indian Territory, September 2, 1902.

Jane McLaren,

Beulah, Mississippi.

Dear Madam:

You are hereby advised that on the 22d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shoshone of the several persons included in the consolidated case of Susan Simon, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Yours truly,

SIGNED,

Tamie Birby.

Acting Chairman.



No. 1122

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name

Jane McLaren

Age

43

Blood

1/4

Post Office,

Boggs, Miss

Father:

Sam Nixon

Dead.

Mother:

Samuel Nixon

Dead.

Claims through

father

Husband:

Ned McLaren

Children:

0

Stenographer

Mrs. Frances Brown.

Choc mcr 1123 Doc Henderson

mcr 1123

MISSISSIPPI CHOCTAW. R. 1123

*Joe Henderson, et al.*

**REFUSED**

**DECISION RENDERED. JUL 26 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 26 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 26 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 26 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR**

**AUG 26 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP 5 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**SEP 5 1902**

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE-CIVILIZED TRIBES.

-----

In the matter of the application of Doc Henderson,  
et al., for identification as Mississippi Choctaws. M.C.R. 1183.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above entitled case.

Original application of Doc Henderson, et al., for identification as Mississippi Choctaws.....	1
Affidavit of Mary Riley.....	3
Affidavit of Thomas Ward.....	5
Certificate of A. R. Owens.....	6
Affidavit of John Ward.....	7
Affidavit of S. J. Watson.....	8
Affidavit of W. F. Ivey.....	9
Affidavit of Charley Williams.....	11
Joint affidavit of J. F. Parks, et al.....	12
Decision of the Commission denying the application of Doc Henderson, et al., for identification as Mississippi Choctaws.....	13

(A)

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application of Doc Henderson for the identification of himself and his six minor children.

Doc Henderson, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Doc Henderson?
- Q How old are you? A Sixty two or three.
- Q What is your post office address? A Denmark.
- Q Mississippi? A Yes sir.
- Q What is your father's name? A I don't know; my mother said his name was Ivey; he never claimed me. He raised four children and then he died.
- Q Do you know what his given name was? A Silas.
- Q Is he living? A No sir, he is dead.
- Q What is your mother's name? A Dicey Ivey.
- Q Is she living? A No sir, she is dead.
- Q Through which one of your parents do you claim your Choctaw blood? A Mother.
- Q How long have you lived in Mississippi? A All my life.
- Q Born here? A Yes sir.
- Q Always resided here? A I am.
- Q Is your name on any of the tribal rolls of the Choctaw Nation? in Indian Territory? A Not that I know of.
- Q Have you any reason to believe that it is? A Not without it is from my mother's mother.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship or enrollment as a Choctaw? A Nothing more than taking proof it they never have been before none of the authorities.
- Q Nor the Choctaw tribal authorities to their national council in the Indian Territory? A No sir.
- Q Did you make application to this Commission in 1896 under the act of June 10, 1896, the act of June 10, 1896, empowered this Commission to hear original applications for citizenship in the Five Tribes of Indian Territory, did you make an application then? A No.
- Q Have you ever been admitted to citizenship by the judgment of United States Court in Indian Territory? A No sir.
- Q Have you ever prior to this time made application either to the Choctaw tribal authorities or the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q This is your first application you have ever made? A Yes sir.
- Q It is now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor, that is your father or your mother or your father's father-- A I don't know my mother's father. Her name was Dicey, and my mother's name was Dicey and her mother's name was Julia.
- Q Well now, was your mother a recognized member of the Choctaw tribe of Indians here in Mississippi in 1830? A Yes sir, she was, she camped at Lauderdale Springs, that is where I was born.
- Q Did your mother have any Indian name? A Indian name?
- Q Yes. A Nothing more than Dicey that I know of.
- Q Did she ever remove from the state of Mississippi and go to the Indian Territory when the rest of the Choctaws moved west? A Yes.
- Q Did your mother or did any other of your ancestors signify to United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain and become citizens of the United States after the ratification of the treaty of 1830? A No sir, if



after the ratification of the treaty of 1830? A No sir, if they did I didn't know it.

Q Did any of your ancestors ever claim or receive any lands under the provisions of the fourteenth article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mandy.

Q Is she a white woman? A No sir.

Q What is she? A A mulatto.

Q A negro? A Yes sir.

Q Are you making any claim for her? A No sir.

Q Where did you marry her? A I married her in Mississippi.

Q When? A It has been thirty four or five years.

Q Have you your marriage license and certificate? A Yes sir I was married by license.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in the matter of your application for the identification of your children.

Q How many children have you under twenty one years of age and unmarried for whom you desire to make application? A I have six

Q What are their names and ages? A John nineteen, Doxy,

Q How old is Doxy? A She is seventeen.

Q All right, the next one? A Frank.

Q How old is Frank? A He is about fifteen.

Q The next one? A Annie.

Q How old is Annie? A Fourteen.

Q All right, the next one? A Lillie.

Q How old is Lillie? A She is about eight.

Q All right, sir, the next one? A Bang Dowles.

Q How old is he? A He is about six.

Q What is the name of the last one? A That is the last one.

Q That is only six; you said you had seven. Now have you omitted one

A That is all, well I thought it was seven.

Q Is there any additional statement you desire to make in support of your application? A No.

Q Any written evidence that you desire to submit to the Commission for consideration? A Yes.

There is offered in evidence and made a part of the record in this case, the affidavit of Mary Riley; also the affidavit of Frances Ward and a statement of A. R. Owens, and the affidavit of John Ward, Mrs. S. J. Watson and W. F. Ivey.

The decision of the Commission as to your application and the application you make on behalf of your six minor children for identification as Mississippi Choctaws will be mailed to you in writing to your present post office address.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of December, and that the above and foregoing is a full true and correct transcript of her stenographic notes in said cause on said December 17, 1900.

*Anna Bell*

Subscribed and sworn to before me this 20<sup>th</sup> day of December, 1900.

*[Signature]*  
Noting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Oliver  
C. W.

In the matter of the application of Deq Henderson  
et al., for identification as Mississippi Choctaws. M.C.R. 1123

DECISION

It appears from the record herein that application  
for identification as Mississippi Choctaws was made to this Commission  
by Henderson for himself and his six minor children, John, Bob,  
Frank, Annie, Billie and Wang Deaton Henderson, under the follow-  
ing provision of the act of Congress approved June 22, 1896, (30 Stat.  
499):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the  
United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, and to that  
end may administer oaths, examine witnesses and perform  
all other acts necessary thereto and make report to the  
Secretary of the Interior."

It also appears that all of said applicants claim  
rights in the Choctaw lands under article fourteen of the treaty



(2).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Dickey Ivey, who is alleged to have been a half-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Dickey Ivey, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 133), and August 23, 1842 (5 Stats., 515).

It is, therefore, the opinion of this Commission that

the evidence herein is insufficient to determine the identity of Doc Henderson, John Henderson, Doxy Henderson, Frank Henderson, Annie Henderson, Lillie Henderson and Bang Dowles Henderson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
ACTING CHAIRMAN.

  
COMMISSIONER.

Muskogee, Indian Territory,

COMMISSIONER.

JUL 26 1900

July 26, 1902.

Doc Henderson,

Denmark, Lafayette County,

Mississippi.

Dear Sir:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Doc Henderson, et al., applicants for identification as Mississippi Choctaw.

This applications was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Doc Henderson, John Henderson, Dory Henderson, Frank Henderson, Annie Henderson, Lillie Henderson and Bang Dowles Henderson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered".

**Registered**



OPY.

Muskogee, Indian Territory, July 26, 1902.

Messrs Mansfield, McKurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Doc Henderson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Doc Henderson, John Henderson, Dey Henderson, Frank Henderson, Annie Henderson, Billie Henderson and Bang Dowles Henderson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered".

10  
X-1000 4-5-4

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

COPY.

M.C.R.1125

Muskogee, Indian Territory, July 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Dec Henderson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26th, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

SIGNED.

*T. B. Needles.*

Commissioner in Charge

Through the Commissioner  
of Indian Affairs.

1 enclosure.



COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45092-1902.

Washington, August 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Dee Henderson for the identification of himself and his six minor children, John, Dory, Frank, Annie, Lillie and Bangdewles Henderson, as Mississippi Cheetaws.

Descent is claimed by principal applicant through his mother, Dicey Ivy, to his grandmother, Julia.

An examination of the records of this office fails to show that Dicey Ivy received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek. The name Julia appears twice, both persons of that name being born since 1850. Consequently they were too young to be the grandmother of principal applicant, who is 63 years of age.

It is therefore respectfully recommended that the decision of the commission refusing to identify the applicants as Mississippi Cheetaws, be affirmed.

Very respectfully,

Your obedient servant,

A. G. Fenner,

WCV  
D

3 inclosures

D. C. 14075-1902.

51085

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5182-1902.

August 26, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 26, 1902, you transmitted the record and your decision of that date, in the matter of the application for identification of Den Henderson and his minor children, John, Daxy, Frank, Annie, Lillie and Bang Dewles Henderson, as Mississippi Cheetaws.

The applicants endeavor to trace their descent from one Wiley Ivey, alleged to have been a half blood Cheetaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Cheetaw citizen, or that Wiley Ivey complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1847 ( 5 Stat., 180), and August 23, 1842 ( 5 stat., 513). You refused the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 20, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

Having carefully reviewed the entire case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

H.M.D.

1 Enclosure.

M.O.R. 1125.

COPY.

Muskogee, Indian Territory, September 6, 1902.

Doc Henderson,

Denmark, Lafayette County, Mississippi.

Dear Sir:-

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Doc Henderson, et al., of which decision you were duly advised by registered mail on the 26th day of July, 1902.

Yours truly,

(SIGNED).

*Tame Dixby,*  
Acting Chairman.

M.C.R. 1123

COPY.

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Doc Henderson, et al., of which decision you were duly advised by mail on the 26th day of July, 1902.

Yours truly,

(SIGNATURE)

*T. J. P. D. D.*  
Acting Chairman.

THE UNIVERSITY OF CHICAGO  
LIBRARY

Geo. Henderson Esq  
MER 1123



Muskogee, Indian Territory, January 7, 1901.

Dear Sir,

Enclosed please find

Dear Sir

The Commission is in receipt of your letter of the 28th of December, 1900, enclosing affidavits offered in the matter of your application for the identification of yourself and your six minor children as Missions, Choctaws, and the same have been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

N. O. B. 2263



Muskogee, Indian Territory, January 19, 1903.

Doc Henderson,

Denmark, Mississippi

DEAR SIR:

Receipt is hereby acknowledged of your letter of the 10th inst., in which you make certain statements regarding your claims as a Choctaw and state that you want an allotment.

In reply to your letter you are informed that on August 26, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and your minor children as Mississippi Choctaws. On September 5, 1902, you were duly notified of such departmental action. It is not believed that you are in any manner entitled to possessory rights to the tribal property of the Choctaw and Chickasaw Nation.

Respectfully,

No. 1123

For Identification as a Mississippi Choctaw.

Date DEC 17 1900

Name Noc. Henderson.

Age 62. Blood 1/4

Post Office, Wenmar, Miss.

Father: Silas Fry - dead.

Mother: Nacey Fry - dead.

Claims through mother.

WIFE:

Mandy Henderson.  
(no claim for wife).

Children:

<u>John Henderson</u>	<u>19.</u>
<u>Dotey "</u>	<u>" 17.</u>
<u>Frank "</u>	<u>" 15.</u>
<u>Annie "</u>	<u>" 14.</u>
<u>Lillie "</u>	<u>" 8.</u>
<u>Bangs H. "</u>	<u>" 6.</u>

Stenographer,  
Anna Bell.

G. O. Numbers:

11249-1900

11251-1900

Dock Henderson, Miss  
Oxford Mississippi.  
December 22, 1900.

K. C. R 1123 Doc Henderson et  
al.

Doc Henderson, 62 years old,  
Denmark, Miss. appeared be-  
fore the Commission at Wat-  
tiesburg, Miss. and applied  
for identification of himself  
and six children as Mississippi  
Choctaws. The testimony in  
this case has not been filed.

Atoka, I.T. January 4, 1901.

AB

Choc MCR 1124 James W. Shaw

see MCR 133

MCR 1124

*James H. Shaw et al.*

REFUSED.

DECISION RENDERED MAR 3- 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 1 1902

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAY 9 1902

REFER TO M. C. R. 133.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application of James W. Shaw et al  
for Identification as Mississippi Choctaws:

James W. Shaws, having been first duly sworn by Acting  
Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A James W. Shaw.
- Q What is your age? A 48 years.
- Q What is your postoffice address? A Adaton, Mississippi.
- Q Do you live in or about Adaton? A Yes, that is in Oktibbaha Co.
- Q That is in Mississippi? A Yes sir.
- Q How long have you lived in Mississippi? A I was born in Miss.
- Q Have you lived here ever since you were born? A Yes, with the exception of three years.
- Q What was your father's name? A Sam C. Shaw.
- Q Is he living? A No sir.
- Q Was he an Indian? A No.
- Q Was he a white man? A Yes sir.
- Q What was your mother's name? A Sarah C. Shaw.
- Q Is she living? A Yes sir.
- Q How old is she? A She was born in 18\_\_--about 67-8 years.
- Q Is she an Indian? A Part, yes.
- Q How much Choctaw Indian is she? A About 1/4.
- Q You claim then, that you are a Choctaw Indian through your mother? A Yes sir.
- Q Was your mother's father an Indian? A No sir.
- Q Your mother's mother was part Indian? A Yes sir.
- Q What was her name? A Her name was Nancy Thompson.
- Q She was living in 1830, I presume? A Yes sir.
- Q How much Indian was Nancy Thompson? A Said to be about 1/2.
- Q Half Choctaw Indian? A Yes sir.
- Q How much Choctaw Indian blood do you say you have? A About 1/8.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or did anyone in your behalf, make application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, Indian Territory, under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States court on appeal from the decision of the Choctaw tribal authorities, or the decision of this Commission? A No sir.
- Q Have you ever prior to this time, made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States, for either citizenship or enrollment as a Choctaw Indian? A No sir.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under the provisions of the 14th article of the treaty of 1830? A Yes sir.
- Q Was Nancy Thompson, your ancestor, a resident of the state of Mississippi, and a recognized member of the Choctaw tribe of Indians, in 1830? A I don't know, sir.
- Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830? A It is her, Nancy Thompson. I don't know about its being recognized; I don't know about that.
- Q Have you any evidence showing that you were a direct lineal descendant of Nancy Thompson? A Yes--you mean that I am a descendant

of Nancy Thompson?

Q Yes. A Yes sir.

Q Is that evidence documentary or oral? A I suppose it would be oral

Q Do I understand by that that you have some witnesses that know you are the grandson of Nancy Thompson? A Yes, I have got some witnesses. I haven't got any witnesses here that I know of.

Q You stated a moment ago that you had evidence of that fact. Now, where is it? A It would be someone that was acquainted with the family.

Q Do you propose to submit that evidence? A The citizens in our neighborhood that's acquainted--

Q That would not do the Commission any good unless it is here before the Commission. Did Nancy Thompson signify to the United States Indian agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830 her intention to remain and become a citizen of the United States? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.

Q Are you married? A Yes sir.

Q Are you making any claim on behalf of your wife? A No sir.

Q Have you any children under 21 years of age and unmarried? A Yes.

Q What is your wife's name? A Julia Shaw.

Q What are the names and ages of your children under 21 years of age and unmarried? A Joe, 18 years, Tom, 16, Robert 15, William 13, Arizona 11, Clark 9, John 7 and Frank 5.

Q Is your wife a white woman? A Yes sir.

Q Have you any evidence of your marriage to her? A Not with me.

Q Do you claim that your children are Mississippi Choctaws? A Yes.

Q Do these children live with you at your home? A Yes sir.

Q Is there any additional statement that you desire to make in support of this application? A No, I don't know there is.

Q Have you any documentary evidence that you desire to offer in support of this application at this time? A No sir.

Here attorney for applicant asks leave to file written evidence consisting of marriage license and certified copies of affidavits now on file with this Commission in this case within thirty days of this date:

By Mr. Bixby: Upon a careful consideration of the testimony in this case, the Commission will render its decision, and a copy of the same will be furnished you, mailed to your present postoffice address.

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Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 5th day of January, 1901.

*John G. Fieber*

Notary Public.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Robert G. Shaw et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-133.

In the matter of the application of Sarah Shaw for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-134

In the matter of the application of Sarah Thompson for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-135.

In the matter of the application of Josephine Smith for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 12, 1900. Mississippi Choctaw Card, Field No. R-137.

In the matter of the application of James H. Pilkinton et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 12, 1900. Mississippi Choctaw Card, Field NO. R-139

In the matter of the application of Beulah Smith for identification as a Mississippi Choctaw, originally heard at Colbert, I.T. June 12, 1900. Mississippi Choctaw Card, Field No. R-138

In the matter of the application of Ed. Thompson et al., for identification as Mississippi Choctaws, originally heard at Colbert, I.T. June 11, 1900. Mississippi Choctaw Card, Field No. R-136

In the matter of the application of Jennie Cora Lewis for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-710.

In the matter of the application of Amelia Terressa Kyle et al. for identification as Mississippi Choctaws, originally heard at Muskogee, I.T. October 24, 1900. Mississippi Choctaw Card, Field No. R-932

In the matter of the application of William R. Kyle for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-737

In the matter of the application of Lee Kyle for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. October 24, 1900. Mississippi Choctaw Card, Field NO. R-933.

In the matter of the application of Mary E. Lee et al. for identification as Mississippi Choctaws, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-734

In the matter of the application of Caldonia Huffman for identification as a Mississippi Choctaw, originally heard at Muskogee, I.T. September 20, 1900. Mississippi Choctaw Card, Field No. R-728.

In the matter of the application of James W. Shaw for identification as a Mississippi Choctaw, originally heard at Hattiesburg, Mississippi December 18, 1900. Mississippi Choctaw Card, Field No. R-1124.

In the matter of the application of Mary I. Shaw for identification as a Mississippi Choctaw, originally heard at Atoka, I.T. July 9, 1901. Mississippi Choctaw Card, Field No. R-2891.

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday, August 20, 1901, these several cases being called for the hearing of additional testimony of witnesses in person; no appearance was made on behalf of the Choctaw Nation by its attorneys, and the applicants being represented by J. E. Arnold, their attorney, the following motion was made by said Arnold:

"On account of witnesses being sick that the applicants were, expecting to use I ask that said cases be continued to some date in the future that will best suit the convenience of the Commission"

Upon motion and showing made by attorney for the applicants the further hearing of testimony of witnesses in person in these several cases is continued to Monday, October the 7th, 1901 at the office of the Commission at Atoka, Choctaw Nation, Indian Territory, at 9:00 o'clock A.M.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Shaw for the identification of himself and his minor children, Joe, Tom, Robert, William, Arizona, John, Clark and Frank Shaw, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that James W. Shaw appeared before the Commission at Hattiesburg, Mississippi, December 18th, 1900, and there made application for the identification of himself and his minor children, Joe Shaw, Tom Shaw, Robert Shaw, William Shaw, Arizona Shaw, Clark Shaw, John Shaw and Frank Shaw, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (public No. 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of James W. Shaw and his minor children, Joe Shaw, Tom Shaw, Robert Shaw, William Shaw, Arizona Shaw, Clark Shaw, John Shaw and Frank Shaw, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

DATED AT MUSKOGEE, INDIAN TERRITORY

ACTING CHAIRMAN.

THIS \_\_\_\_ DAY OF \_\_\_\_\_ 1901.

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I N D E X .

<u>WITNESSES</u>	<u>PAGE</u>
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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Robert G. Shaw, et al, for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No. R-133

In the matter of the application of Sarah Shaw for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No. R-134.

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In the matter of the application of James H. Pilkinton, et al, for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 12, 1900, Mississippi Choctaw Card, Field No. R-139.

In the matter of the application of Bewlah Smith for identification as a Mississippi Choctaw, heard at Colbert, Indian Territory, June 12, 1900, Mississippi Choctaw Card, Field No. R-140.

In the matter of the application of Ed Thompson, et al, for identification as Mississippi Choctaws, heard at Colbert, Indian Territory, June 11, 1900, Mississippi Choctaw Card, Field No. R-136.

In the matter of the application of Jennie Gora Lewis for identification as a Mississippi Choctaw, heard at Muskogee, Indian Territory, September 20, 1900, Mississippi Choctaw Card, Field No. R-710.

In the matter of the application of Amelia Terressa Kyle, et al, for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, October 24, 1900, Mississippi Choctaw Card, Field No. 932.

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In the matter of the application of Mary E. Lee, et al, for identification as Mississippi Choctaws, heard at Muskogee, Indian Territory, September 20, 1900, Mississippi Choctaw Card, Field No. R-734.

In the matter of the application of Caldonia Huffman for identification as a Mississippi Choctaw, heard at Muskogee, Indian Terri-



ritory, September 20, 1900, Mississippi Choctaw Card, Field No. R-722.

In the matter of the application of James W. Shaw for identification as a Mississippi Choctaw, heard at Hattiesburg, Mississippi, December 12, 1900, Mississippi Choctaw Card, Field No. R-1124.

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TRANSCRIPT OF PROCEEDINGS HAD ON REHEARING OF  
ABOVE ENTITLED CAUSES, AT MERIDIAN,  
MISSISSIPPI, July 1st and  
2nd, 1901.

APPEARANCES: The applicant Robert G. Shaw; the applicant  
Beniah Smith, and Hudson & Arnold, attorneys  
for all of above applicants.  
No appearance by Choctaw or Chickasaw Nation.

-- MONDAY, JULY 1, 1901.--

JAMES O. THOMAS, called as a witness on behalf of applicants,  
having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James O. Thomas.  
Q How old are you? A I am somewhere between seventy and seventy  
five years old. I hardly knew exactly.  
Q What is your post office address? A My post office address is  
Starkville,  
Q Mississippi? A Yes sir.  
Q What county? A Oktibbeah County.  
Q What is your occupation? A I farm.  
Q You are a land owner there? A No sir, renting land.  
Q What is your nationality? A I am a white man.  
Q How long have you lived in the state of Mississippi? A I was  
born here.  
Q What county? A Lowndes County.  
Q How long did you live in Lowndes county? A I lived there four or  
five years.  
Q Where did you go from there? A To Oktibbeah.  
Q Have you lived in Oktibbeah County ever since that time? A I  
have been absent maybe a year or two. When I was a young man I ran  
around a little.  
Q How long have you lived there continuously? A I have been there  
continuously except two or three years all my life--parts of years.  
I was not away from there a year at a time.  
Q Are you acquainted with the applicant Sarah Shaw, who is an applic-  
ant for identification as a Mississippi Choctaw before the Commission  
to the Five Civilized Tribes? A I don't know whether I kept up  
with that or not. I don't know whether I kept up in regard to the  
tribe.

- Q Are you acquainted with a woman by that name? A Yes sir.
- Q Is she living at this time? A No sir.
- Q When did she die? A She died this fall or summer.
- Q This summer--this year? A Yes sir.
- Q How long did you know Sarah Shaw? A I have known her about all my life.
- Q About how old was she when she died? A I think she was somewhere between sixty and sixty five or sixty seven, or somewhere along there; I don't know exactly her age.
- Q Do you know where she resided at the time of her death? A She was in the Nation.
- Q What Nation--Do you mean out in Indian Territory? A Yes sir.
- Q Do you know what town she lived in? A I think she lived at Ardmore, or somewhere near it.
- Q Did you know her father? A Yes sir.
- Q Is he living? A No sir.
- Q What was her father's name? A His name was Thompson--they called him Peg Thompson. It was Dexter Thompson I always knowed him by. I don't know whether that was his name or not.
- Q Could you state what his given name was positively? A No sir, they always called him Dexter Thompson.
- Q Are you sure it was not Rector Thompson? A I say I don't know now.
- Q When did he die? A He has been a good while--I couldn't tell you exactly when he died.
- Q About how long ago? A I reckon it has been about thirty years--somewhere along about that.
- Q Where was he living at the time of his death? A He was living out the other side of Starkville west, in Oktibbeah County.
- Q How long had he been living in that county prior to his death? A I suppose he had been there something near fifty years.
- Q How old a man would he be if he was living at this time? A I reckon he would be close to eighty years old.
- Q How long did you know him? A I knowed him I reckon somewhere between sixty and sixty five years.
- Q He lived then in Oktibbeah County as long as you knew him? A Yes sir.
- Q Is the mother of Sarah Shaw living? A No sir.
- Q What was her name? A Her name was Nancy is my recollection.
- Q Do you know what her maiden name was? A They called her Nancy Dexter--Indian name was Washetubbee.
- Q That is your recollection of her Indian name? A Yes sir.
- Q How long has she been dead? A She has been dead I reckon about forty years--between thirty and forty years.
- Q About how old was she when she died? A I expect she was sixty odd years old.
- Q Where was she living at the time of her death? A She was out not far from the old man where all the balance of them lived--not a great ways.
- Q In Oktibbeah county, Mississippi? A Yes sir.
- Q How long did you know her? A I knew her about the same time I knew the balance of them--I got acquainted with them all about the same time.
- Q You had known her and her husband practically all your life? A Yes sir.
- Q Through which one of her parents did Sarah Shaw derive her Choctaw blood? A From her mother.



- Q De you know what proportion of Choctaw blood her mother claimed to have? A Her mother claimed to be about a full blood, I think.
- Q You couldn't swear positively as to the amount of Choctaw blood she had? A No sir.
- Q Did she speak and understand the Choctaw language? A Yes, she talked the Choctaw language.
- Q Did she look like a Choctaw Indian? A Yes.
- Q Did she look like a full blood Indian? A Yes she look about like the balance of them.
- Q Could you swear positively that in your opinion she was a full blood Indian? A Yes, I think I can swear she was a full blood Choctaw.
- Q We are speaking now of Nancy Thompson, the mother of Sarah Shaw? A Yes, Nancy Rector.
- Q That was her maiden name? A Well, that was her name.
- Q Do you know how long she lived in Oktibbeah County, Mississippi? A About the same as the balance of them.
- Q Do you know where she was living in 1830? A I don't know, I couldn't tell exactly where she was living; she was living within some seven or eight miles all the time.
- Q That was seventy-one years ago--Do you know where she was living seventy one years ago? A She was living about where she has been living all the time.
- Q Do you know where the family came from to Oktibbeah County? A The first I knew anything about they, they lived down on Tom Bigbee river in Lowndes County, Mississippi.
- Q Now go ahead? A That was the first of anything I knew about them, and next was they lived out west the other side of Starkville about eight or ten miles.
- Q How old were you when they lived out there? A I was only about four or five years old--I don't recollect exactly.
- Q You don't know where they came from to Lowndes County, Mississippi? A No sir.
- Q Do you know the name of the father of Nancy Thompson or Nancy Rector? A No sir, I only know what they called her.
- Q What did they call her father's name? A I don't know.
- Q Do you know her mother's name? A Her name was Washetubbee.
- Q That was Nancy Rector's mother and Sarah Shaw's grandmother? A Yes sir.
- Q Did she have an English name? A Her Indian name was Washetubbee.
- Q Did you ever see her? A Yes sir.
- Q When did she die? A I don't know exactly when she died.
- Q About when did she die? A I couldn't tell exactly about that.
- Q Where did she live when you knew her? A I couldn't tell you where she lived; first I knew them they was living down on Tom Bigbee River and then moved out west of Starkville.
- Q Do you know where the mother of Nancy Rector lived before they came to Lowndes County, Mississippi? A No sir.
- Q Did she look like an Indian? A Yes sir.
- Q Did you ever see her husband? A No sir.
- Q Do you know what nationality he was? A If she ever had any husband, nobody ever knew nothing about it.
- Q You don't know who the father of Nancy Rector was? A No sir.
- Q What amount of Choctaw blood did the mother of Nancy Rector have? She showed to be a full blood Indian.

- Q Did she speak the English language? A She could talk either.
- Q Did she talk the English language plainly? A No sir, she didn't speak it plain.
- Q Did she talk Choctaw? A Yes sir.
- Q Did she have any brothers? A If she ever had any brothers, nobody ever heard her say anything about it.
- Q You don't know that Nancy had any brothers or sisters? A No sir.
- Q Do you know whether at the time of the making of the treaty of Dancing Rabbit Creek between the United States government and the Choctaw tribe of Indians in 1830, either Nancy Rector or her mother were recognized members of the Choctaw tribe of Indians? A No sir.
- Q Did they associate with the Indians entirely or with the white people? A They associated there mostly with the white people. There was only a few Indians in there then---I was quite a boy.
- Q Did Nancy Rector or her mother own any land in Lowndes County, Mississippi? A I don't know sir, but I don't think they did. I think they just stayed down there a year or two and moved from there out west.
- Q Did they live on a farm? A Yes.
- Q It didn't belong to them? A No sir.
- Q Do you know who it belonged to? A No sir.
- Q You are sure it didn't belong to them? A No sir, it didn't belong to them.
- Q Did they own any land in Oktibbeah County? A I don't think Nancy did, Old man Thompson owned land there.
- Q Did you ever know whether her husband owned any land in Oktibbeah County? A The grandmother you are speaking about---she never had no husband that anybody knowed of.
- Q I want to know whether the husband of Nancy Rector owned any land up there---Thompson her husband? A I don't know---they lived there on a place but I don't know whether they owned it or not.
- Q Do you know whether Nancy Rector or her husband ever claimed or received any land from the government of the United States? A They never got any land at all? A No sir.
- Q Are you positive of that? A Yes sir, because the time was out when they moved from down yonder up there.
- Q Did Nancy Rector or her mother ever go to the Choctaw Nation in Indian Territory? A Not as I know of.
- Q You lived neighbors to them all the time---did they ever leave there and go to the territory? A No sir, they never did; I was never away from there a whole year as I stated before.
- Q Do you know whether Nancy Rector or her mother within six months after the treaty of Dancing Rabbit Creek was ratified signified to the United States Indian Agent of the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A No sir.
- Q You never heard of their having done such a thing as that? A My recollection is there was nothing ever came into this country to that effect. My understanding was that a man started here but never got here under that law.
- Q You never heard of them having done such a thing? A No sir, I heard about a man starting here or something of that sort but never got here.
- Q You are quite positive that neither Nancy Rector nor her husband ever owned any improvement in Lowndes County, Mississippi? A Yes, sir, I think I would be pretty certain of that.

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Q And you are equally positive that they never owned an improvement in Oktibbeah County, Mississippi? A No sir, without they bought it and paid their own money for it---they might have done that.

Q Do you know whether they owned any land anywhere else in the state of Mississippi? A No, they never owned any land anywhere else.

Q You never heard of them having gotten a patent to land either of them from the government, here in Mississippi? A No sir.

Q Do you think you would be likely to have known it if they had gotten it? A Yes sir, I would likely have known it.

Q Did you ever hear of them getting scrip from the government? A No sir, I have heard my father and old man Thompson speak about--

I have heard them speak about something of that sort, but I don't think they ever got anything. They both belonged to Jackson's army.

Q I am speaking about getting scrip under the act of Congress of August 23, 1842--You are quite positive that neither of them got scrip under that? A I think may be they might have made application through Cannon who was the representative.

Q When was that? A That was away back yonder about 1843 or 1844.

Q Do you know who this man Cannon was? A Yes sir, he was a representative of this county.

Q You mean that he was a government representative? A No sir, a representative in the legislature.

Q Do you know whether Nancy Rector or her mother appeared before the Commission appointed under the act of Congress of March 3, 1837, or the act of August 23, 1842, and made an effort to establish their rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q You are certain of that? A I am certain of that--if they had, I would have heard of it.

Q Did Nancy have an Indian name? A I don't know whether you would call Rector an Indian name or not; the old lady had an Indian name & they call Washetubbee, but white people called her Rector.

Q As long as these people lived, they maintained a continuous residence in either Lowndes or Oktibbeah county, Mississippi, from the time you first knew them over sixty years ago? A Yes sir.

Q Never lived anywhere else? A No, from the time they moved down on the river, they lived there until they died.

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Q Are you acquainted with the applicant Robert G. Shaw? A Yes, we called him Old Shaw.

Q How long have you known him? A I have known him a long time, I couldn't tell exactly how long I have known him.

Q How old is he? A I reckon he is about forty five.

Q Where does he reside at this time? A He is at Ardmore, I suppose in the Indian Nation.

Q Is his father living? A No sir.

Q What was his father's name? A His father was named Shaw.

Q His given name? A I have heard it, but I can't think of it now.

Q How long have you known Robert G. Shaw? A I have known Old I reckon twenty five years.

Q You said you had known his mother for sixty years? A Yes.

Q How does it happen that you have not known him longer? A I have known his mother a heap longer than I knew him.

Q Is his mother living? A No sir.

Q What was her name? A Sarah Shaw.

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Q Through which one of his parents does Robert G. Shaw derive his  
cheetaw blood? A From his mother.

Q What amount of cheetaw blood did his mother have? A About one  
fourth or one fifth.

Q She is the same Sarah Shaw about whom you have just testified?  
A Yes sir, the daughter of Nancy Reetor or Nancy Thompson.

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Q Are you acquainted with the applicant James W. Shaw? A Yes.

Q What relation is he to Robert G. Shaw? A A brother.

Q Full brother? A Yes sir.

Q Where does he live at this time? A About seven miles west from  
Starkville in Oktibbeah county, Mississippi.

Q How long has he lived there? A About four years.

Q Where did he live before that? A In the same county, fifteen  
miles from Starkville--It was called Webster county.

Q How long did he live there? A I ~~can't~~ couldn't tell you.

Q Was he born and raised out there in that vicinity? A Yes sir.

Q Has he lived in the state of Mississippi all his life? A Yes sir.

Q He is also the son of Sarah Shaw about whom you have testified?  
A Yes sir.

Q And gets his Indian blood solely through her? A Yes sir.

-----  
Q Are you acquainted with the applicant Caldonia Huffman? A Yes  
sir, we call her Donie Huffman.

Q What relation is she to Robert G. Shaw? A She is a sister.

Q Full sister? A Yes sir.

Q Same father and mother? A Yes sir.

Q She is a daughter of Sarah Shaw about whom you have just testified?  
A Yes sir.

Q How long have you known Caldonia Huffman? A I reckon I have  
known her the best part of my life.

Q Is she living? A Yes sir.

Q Where does she live? A She lives I think out in the Indian Na-  
tion now.

Q Until she ~~lived~~ moved out there, did she live continuously  
in the state of Mississippi? A Yes sir.

Q She was born in Mississippi? A Yes sir.

Q How long ago did she move out to the territory? A I don't re-  
collect exactly when she left Mississippi.

-----  
Q Are you acquainted with the applicant Josephine Smith? A Yes sir

Q How long have you known Josephine Smith? A I have known her  
about all her life.

Q Where was she born? A She was born down near Bayhaw.

Q In the state of Mississippi? A Yes sir.

Q What county? A I don't know whether she was born in Lowndes  
county or Oktibbeah county.

Q How long did she live in the state of Mississippi? A She was born  
here and I don't know exactly her age. I think last year she went to  
the territory.

Q She lived here all her life until she went to the Indian Terri-  
tory last year? A Yes sir.

Q About how old is she? A I reckon she is about thirty or thirty  
five years old,--between thirty five and forty, she has been married  
twice.

Q Is her father living? A No sir.

Q What was his name? A His name was Thompson.

Q Full name? A Lud Thompson.



Q Did he have any middle name? A I don't know his middle name.  
 Q Is Josephine Smith's mother living? A No sir.  
 Q What was her name? A I don't know her name --I have known it but I couldn't be positive.  
 Q Through which one of her parents does Josephine Smith derive her Choctaw blood? A From her father?  
 Q Through Lud Thompson? A Yes.  
 Q When did Lud Thompson die? A He died about three years ago, I think.  
 Q Where did he live at the time of his death? A Lowndes county, Mississippi.  
 Q How long had he been there? A He had been there about eight years.  
 Q Where did he live before that? A Mayhew or near there. He had been living there since directly after the war.  
 Q Where did he live before that? A He lived out west in Oktibbeah county.

Q Where was he raised? A In Oktibbeah county, Mississippi.  
 Q How old was he when he died? A About sixty five or seventy.  
 Q Had you known him all your life? A Yes, about all my life.  
 Q How much Choctaw blood did he have? A I couldn't tell exactly how much--It goes from the family down.  
 Q Did you know his mother? A Yes sir.  
 Q What was her name? A I think they called her Nancy.  
 Q Nancy what? A Nancy Thompson.  
 Q What was her maiden name? A Nancy Rector.  
 Q Lud Thompson was a brother of Sarah Shaw about whom you have testified? A Yes sir.  
 Q What was the name of Lud Thompson's father? A As I have told you his name was Dexter Thompson--I never heard any other name.  
 Q Lud Thompson was a full brother of Sarah Shaw? A Yes.  
 Q Did you ever hear of Dexter Thompson being called John Thompson?  
 A I might have done it.  
 Q You don't remember it if you did? A No sir, he was known that way as a nickname.  
 Q Did you ever hear what his initials were? A I reckon his initials were John Thompson.  
 Q What makes you think that? A Since the thing has been mentioned, I think he signed his name, being at a sale---and he signed his name John Thompson. Everybody that met him would say "Howdy Dexter".

Q Are you acquainted with the applicant Neulah Smith? A Yes sir.  
 Q How long have you known her? A I have known her since she was very small.  
 Q What is her mother's name? A I know it, but I couldn't call it now.

Q Was not it Josephine Smith about whom you have testified now?  
 A Yes sir.

Q She is the daughter of Josephine Smith? A Yes.  
 Q What is the name of the father of Neulah Smith? A Olive Smith.  
 Q Where does Neulah Smith reside at this time. A I think she is here at Meridian now, but her right home I think would be near Mayhew.

Q Didn't you say her mother had moved to the Indian Territory? A Yes, she went but I don't know whether she came back or not.

Q Up until the time she moved to the Indian Territory, had she lived continuously in the state of Mississippi? A Yes sir.

Q Are you acquainted with the applicant James H. Pilkinton? A Yes sir.

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Q How long have you known him? A About all his life.  
Q Where does he live at this time? A I think he lives near May-  
hew Mississippi.  
Q Did he ever move to the Indian Territory? A He went out there  
but I don't think he moved there.  
Q About how old a man is he? A I reckon between twenty five and  
thirty.  
Q Has he lived in Mississippi all his life? A Yes.  
Q And have you know him practically all his life? A Yes.  
Q Is his mother living? A I think she is.  
Q What is her name? A I don't know sir--I know the boy.  
Q Is he any relation to Beulah Smith about whom you have just tes-  
tified? A Yes, he is half brother.  
Q Then their mother is the same woman--Josephine Smith is his mother  
A Yes, Beulah Smith's mother first married a Pilkinton.  
Q What was the name of James H. Pilkinton's father? A His name was  
Pilkinton of course.  
Q His given name? A I can't recollect it, but I know he  
married Josephine Smith. That is my recollection of it. There was  
a difference when she married Pilkinton. Pilkinton and Smith were  
both in love with her and she married Pilkinton and after she died  
she married Smith.

-----  
Q Are you acquainted with the applicant Mary E. Lee? A Yes.  
Q How long have you known her? A I have known her since she was a  
child.  
Q Where does she live at this time? A I think she lives near Os-  
borne in Oktibbeah county.  
Q How long has she lived in Oktibbeah county? A She lived there  
all her life. I don't reckon she has ever been out of the county,  
hardly.  
Q Did she ever move out to the Choctaw Nation in Indian Territory?  
A No sir.  
Q About how old a woman is she? A Thirty or thirty five.  
Q Is her father living? A No sir.  
Q What was his name? A His name was Lud Thompson.  
Q Is her mother living? A No sir.  
Q What was her name? A Her name I believe was Mary but I couldn't  
say for certain.  
Q You know the family well? A Yes.  
Q Is Mary E. Lee a sister of Josephine Smith about whom you have  
heretofore testified? A Yes, I think so.

-----  
Here Hudson & Arnold, attorneys for applicants, ask leave to  
dismiss the case of Sarah Thompson, M.C.C. R-136, the record  
showing that she is not possessed of Indian blood, but simply  
claims as an intermarried citizen, the application being made  
for herself alone, and here ask that no testimony be taken  
in support of said application at this time.

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Q Are you acquainted with the applicant Sarah Thompson, the widow  
of Hector Thompson? A Yes sir.  
Q How long have you known her? A I have known her since before  
she was near grown.  
Q Where does she live at this time? A She is in the Indian Nation  
I think.

Q How long did she live in Mississippi? A She was born and raised here.

Q And lived here until she went to the Nation? A Yes sir.

Q And she went in out there last year? A Yes sir.

Q Did she have any Indian blood? A I couldn't say that she did.

Q Did you ever hear her claim that she had any Indian blood? A No sir.

-----  
Q Are you acquainted with the applicant, Amelia Terressa Kyle?

A Yes sir.

Q How long have you known her? A I have knowed her the best part of her life.

Q Where does she live at this time? A I think she lives in about Mayhaw, in Lowndes County, Mississippi.

Q How long has she lived there? A She has lived there all her life.

Q How old is she at this time? A Between twenty five and thirty.

Q How long since you have seen her? A I have seen her last year, I have not seen her this year.

Q You don't know whether she moved to the Indian Territory or not?

A No sir, she didn't go. If she did, I didn't know anything about it.

Q Is her father living? A No sir.

Q What was his name? A His name was Rector Thompson.

Q Is he living at this time? A No sir.

Q What is the name of Amelia Terressa Kyle's mother? A I don't know her mother's name, I don't recollect.

Q When did Rector Thompson die? A I think he died somewhere along about 1875.

Q The applicant Amelia Terressa Kyle, does she get her Choctaw blood through her father or mother? A She gets her Indian blood from Rector Thompson.

Q How much Indian blood did Rector Thompson have? A About one sixth or one fifth I reckon.

Q He was a Choctaw? A Yes he was the same as the balance of them.

Q The whole family were Choctaws? A Yes sir.

Q Did he ever go to the Indian Territory? A No sir.

Q Always lived in the state of Mississippi? A Yes sir.

Q How old a man would he be if he were living today? A He would be between seventy five and eighty years old--he was, I think, seven years older than me.

Q How long did you know him? A I knew him ever since he was a boy.

Q Did he ever own any land in Mississippi? A I don't think he did. He followed in those days overseeing. He always done business for somebody else.

Q He was an overseer on plantations? A Yes sir, and I don't think he ever bought any land.

Q Do you know where he was living in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.

Q You don't know whether he ever got any land from the government? A Yes I know he never got any land.

Q Do you know whether he ever appeared before the Commission appointed under the act of Congress of March 3, 1837 or the Commission appointed under the act of Congress of August 23, 1842, and attempted to establish his rights as a beneficiary under the provisions of the fourteen article of the treaty of Dancing Rabbit Creek? A No sir. He wouldn't fool with such a thing as that then. His business was worth more to him.



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Q Do you know whether within six months after the ratification of the treaty of Dancing Rabbit Creek he signified to the United States Indian Agent of the Choctaws here in Mississippi his intention to remain in Mississippi and become a citizen of the state? A No, he didn't go.

Q If he ever did, you never heard of it? A No, I never heard of it.

Q Do you know whether he was ever in the Indian Territory? A I am satisfied he was not. I know he was not—he never left this state.

Q What was Rector Thompson's father's name? A John Thompson or Dexter Thompson.

Q He was sometimes called Dexter and sometimes called John? A Yes.

Q Do you know the name of Rector Thompson's mother? A Her name was Nancy Thompson.

Q What was her maiden name? A Her maiden name was Nancy Rector.

Q Rector Thompson was a full brother of Lud Thompson and Sarah Shaw?

A Yes sir.

Q Are you acquainted with the applicant William R. Kyle, a son of Amelia Terressa Kyle? A Yes sir.

Q How long have you known him? A I have known him all his life.

Q How old is he? A I reckon he is now about thirty years old.

Q Do you know where he is now? A He is in the Nation now I think.

Q When did he go there? A Last summer or fall.

Q Did he live in Mississippi all his life until he went to the Territory? A Yes sir.

Q Where did he live? A In Oktibbeah County, Mississippi.

Q What was his father's name? A His father was named Thomas Kyle.

Q Through which one of his parents does William R. Kyle derive his Choctaw blood? A Through both I think to some extent. Kyle I think has some Indian blood and the Thompsons had.

Q You couldn't swear positively that Thomas Kyle had Choctaw blood?

A I think I could, he showed it.

Q William R. Kyle is a grandson of Rector Thompson and a great grandson of Nancy Rector or Thompson? A Yes sir.

Q How much Choctaw blood did William R. Kyle's father have? A He looked like he had about one sixth.

Q You couldn't swear positively as to the amount of Choctaw blood?

A No, he had high cheek bones, and showed it in his countenance.

Q How long did you know him? A He was a cousin of mine and I that raised him; he was an orphan child.

Q Where did his parents live? A Below Columbus in Lowndes county.

Q What were the names of Thomas R. Kyle's father and mother?

A I don't know he was brought over here by a cousin of mine.

Q He was brought from where to Oktibbeah county? A From Lowndes county.

Q You don't know anything about the parentage of Thomas Kyle? A No, sir, only his appearance.

Q You don't know that he had Choctaw blood except from his personal appearance? A No sir.

Q Do you know anything of Thomas Kyle's grandparents? A No sir, they brought him over here and he stayed at his house until he was married.

Q When did he die? A Nobody don't know where he died or what went with him. He went to Starkville with a load of cotton and he sold it and came up missing, and nobody has ever heard of him.

- Q Are you acquainted with the applicant Lee Kyle? A Yes sir.
- Q Where does he live? A He is in the nation.
- Q Do you know what town? A He is farming I think now.
- Q You don't know what town he is in or near? A No.
- Q How long has he been out there? A He went out there last year.
- Q About how old a man is he? A About twenty three or twenty four I reckon.
- Q Where did he live before he went to the territory? A In Oktibbeah county.
- Q Have you known this boy all your life? A Yes from a baby.
- Q What is the name of his mother? A I don't remember.
- Q What relation is he to William R. Kyle, about whom you have testified? A Brother.
- Q Full brother? A Yes sir.
- Q What was his father's name? A Thomas Kyle.
- Q Do you remember his mother's name? A No sir.
- Q You testified that Amelia Terressa Kyle is the mother of William R. Kyle? A It is the same one. -----
- Q Are you acquainted with the applicant, Ed Thompson? A Yes sir.
- Q How long have you known him? A All his life.
- Q How old is he? A About forty.
- Q Where is he at this time? A In the nation.
- Q When did he go out there? A Last year.
- Q Where did he live before he went there? A In Oktibbeah county.
- Q How long did he live there? A Born and raised there and I reckon stayed there mighty nigh all his life--he might have went off a year.
- Q You think he has lived there all his life until last year? A I think may be he was off a year, but outside of that he was there all his life.
- Q He lived in Mississippi all his life? A Yes sir.
- Q Is his father living? A No sir.
- Q What was his father's name? A Rector Thompson.
- Q How long has Rector Thompson been dead? A He has been dead I reckon about thirty years.
- Q Is the mother of Ed Thompson living? A She is living.
- Q Through which one of his parents does Ed Thompson derive his Choctaw blood? A From his father's side.
- Q Through Rector Thompson? A Yes sir.
- Q His mother has no Indian blood? A I think not.
- Q Rector Thompson is a brother of Lud Thompson and Sarah Shaw? A Yes sir.
- Q And they are children of Nancy Rector? A Yes sir.
- 
- Q Are you acquainted with the applicant Jennie Gore Lewis? A Yes sir.
- Q How long have you known her? A I have known her all her life.
- Q How old is she? A She is I reckon about eighteen.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Lewis.
- Q Where does she live at this time? A In the nation.
- Q When did she go out there? A Last fall.
- Q Where did she live before that? A Near Starkville.
- Q In Oktibbeah county, Mississippi? A Yes sir.
- Q Did she live there all her life until she went to the Indian Territory? A Yes sir.
- Q Is her father living? A Yes sir.
- Q What is his name? A Ed Thompson.

Q What is her mother's name? A Jennie Thompson.  
Q Is she living? A Yes sir.  
Q Through which one of her parents does Jennie Cora Lewis derive her Choctaw blood? A Her father, Ed Thompson.  
Q He is the same Ed Thompson about whom you have just testified as being the son of Rector Thompson? A Yes sir.

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Q Do you know whether John Thompson and Nancy Rector were lawfully married? A I couldn't swear positively, but I think they were.  
Q You were not present at their marriage? A No sir.  
Q How long did they live together as man and wife? A All their days since I first knew them.  
Q And raised a family? A Yes sir.  
Q And their family included Lud Thompson, Rector Thompson and Sarah Shaw? A Yes.  
Q Is that all? A There were other children.

-----  
Q Do you know whether Rector Thompson and Sarah Thompson were lawfully married? A Yes sir.  
Q Were you present at their marriage? A No sir, but I have seen persons who were present.  
Q Where were they married? A They were married in Oktibbeah county west of Starkville.  
Q Do you know who performed the marriage ceremony? A No sir, but I know they were married.  
Q Married under a license? A Yes sir.  
Q Who do you know was present at the marriage? A I don't remember the names but I would be willing to swear they were married.

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Q Do you know whether Lud Thompson and his wife Mary Thompson, the mother of certain of the applicants in this case, were lawfully married? A Yes sir, I couldn't swear exactly, but I am certain they were married.  
Q You were not present at their marriage? A No, but I knew they were married.  
Q Where were they married? A West of Starkville in Oktibbeah county.  
Q Do you know anybody who was present at their marriage? A We were all talking about it the other day and there were two persons there but I can't think who they were.  
Q How long did they live together as man and wife? A All their lives from the time they were married.  
Q And raised a family? A Yes.  
Q How long did Rector Thompson and Sarah live together? A All their lives.

-----  
Q Do you know whether Ed Thompson and Jennie were lawfully married? A I knew the night they were married, but I didn't go to the wedding.  
Q Where were they married? A Not far from Starkville.  
Q In Oktibbeah county? A Yes sir.  
Q Do you know who were present at the marriage? A Yes, her brothers were there.  
Q Anybody else? A Yes, I knew several if I could think.  
Q What were her brothers' names? A Jim, Lee and Henry Lemmons.

-----  
Q Do you know whether Amelia Terressa Kyle and Thomas Kyle were lawfully married? A Yes sir.

- Q Were you present at their marriage? A No, but I had some cousins who were there.
- Q Where were they married? A Married at her home.
- Q What county? A Oktibbeah county, Mississippi; I started to the wedding.
- Q What were the names of your cousins who were there? A Jim and Tom Scott and Bill Scott.
- Q Do you know the name of the minister who performed the ceremony? A Married by a magistrate I think. I don't know if old man Thompson didn't marry him--he was a magistrate at that time.
- 
- Q Do you know whether Mary H. Lee and Herbert Lee were lawfully married? A Yes, I was not at the wedding but I know others who were there.
- Q Do you know who married them? A I think Bargin married them.
- Q What official position does he hold? A He was a magistrate.
- Q She was married twice? A Yes sir.
- Q Were you present at her first marriage? A No sir.
- Q What was her first husband's name? A His name was Hodnett.
- Q Given name? A Charley Hodnett.
- Q Where were they married? A Down near Mayhew.
- Q In Oktibbeah county? A Yes sir.
- Q Do you know who performed the marriage ceremony? A I think probably Bargin married them.
- 
- Q Do you know whether James H. Pilkinton and his wife Candy were lawfully married? A Yes, I was not present but I know they were lawfully married---they ran away and married.
- Q Where were they married? A They were married down near Mayhew.
- Q You don't know who performed the marriage ceremony? A No.
- Q Do you know anybody who was there when they were married? A No, I don't suppose there were but a few there, because my understanding is they ran away and married.
- 
- Q Is James W. Shaw married? A Yes.
- Q What is his wife's name? A Mary, I believe.
- Q Has he been married more than once? A No sir.
- Q Were you present at his marriage? A No sir.
- Q Where was he married? A Down below Starkville in Oktibbeah county. He married a woman by name of Hawkins.
- Q Do you know who performed the marriage ceremony? A No sir.
- Q Do you know who was present at the marriage? A No, only may be his brother Robert G. Shaw.
- Q Are you sure his wife's name is Mary? A No, her name is Julia.
- Q You were mistaken about it when you said Mary? A Yes.

( W i t n e s s E x c u s e d )

JOSEPH A. PIERCE, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Joseph A. Pierce.
- Q How old are you? A Sixty two.

- Q Where do you reside? A Choctaw county, Mississippi.
- Q What town? A Mathiston.
- Q What is your occupation? A I sell merchandise and farm some and mill some.
- Q How long have you lived in Choctaw county, Mississippi? A My father went there in 1847.
- Q You have lived there continuously ever since 1847? A Yes sir.
- Q Where did you go from to Choctaw county? A Tuscaloosa, Alabama.
- Q Are you acquainted with the applicant Sarah Shaw? A Yes sir.
- Q Is she living? A No sir, I suppose not.
- Q When did she die? A I suppose she died in the territory probably this spring or last winter, that is what I learned.
- Q How long did she live in the Territory? A I suppose ten or two live months; she went there last fall.
- Q Where did she go from to the territory? A She lived with her sons I believe when she went to the territory from Oktibbeah county.
- Q Oktibbeah County, Mississippi? A Yes sir.
- Q How long did she live in Oktibbeah county? A I think two or three years. She and her husband lived over in Webster County, Mississippi, until a year or two.
- Q How long did they live in Webster county? A Several years.
- Q How long did you know her? A I have known her about forty two years I reckon.
- Q Was she possessed of Indian blood? A I don't know sir. It was said that they had Indian blood in them. I don't know as to the amount of blood.
- Q Do you know whether she lived in the state of Mississippi all her life until she moved to the Indian Territory? A She lived there all her life until she went to the territory from the time I knew her.
- Q Is her father living? A No sir.
- Q What was his name? A John Thompson.
- Q Did he have any Indian blood? A I don't know sir, it was said that old Mrs Thompson had Indian blood.
- Q Is Sarah Shaw's mother living? A No sir.
- Q What was her name? A I believe Nancy Thompson.
- Q Do you know what her maiden name was? A No.
- Q Were you acquainted with her personally? A Yes sir.
- Q How long did you know her? A About eight or ten years, she has been dead some time.
- Q Do you know how much Indian blood she had? A No.
- Q Do you know what kind of Indians she was? A No.
- Q You do not know where she was living in 1830? A No sir.
- Q Did she ever own any land in Mississippi during your acquaintance with her? A No sir, I don't know whether she did or not. Her husband had land.
- Q Did you ever hear of Nancy Thompson getting any land from the government of the United States? A No sir.
- Q Do you know what the name of Nancy Thompson's father or mother was? A No sir.
- Q Did you know Nancy's mother? A No sir.
- Q You do not know whether she or any of her ancestors owned any improvement on land in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.
- Q Do you know whether she or any of her ancestors within six months after the treaty of Dancing Rabbit Creek declared to the United States Indian Agent of the Choctaws in Mississippi an intention to remain in Mississippi and become citizens of the United States? A No, sir.



Q Do you know whether she or any of her ancestors ever claimed or received any land in Mississippi from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether she or her mother ever appeared before the government commission appointed under the act of Congress of March 3rd, 1837, or the Commission appointed under the act of Congress of August 23, 1842, and attempted to establish rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know. I don't suppose they did.

Q Do you know whether she or any of her ancestors ever received any scrip from the government under the provisions of the act of Congress of August 23, 1842? A I don't know.

Q Are you acquainted with the applicant, Robert G. Shaw? A Yes.

Q How long have you known him? A All his life nearly.

Q Where does he live at this time? A In the Indian Territory.

Q How long has he lived out there? A I suppose he has lived there twelve or fifteen months.

Q Where did he live immediately prior to removing to the Indian Territory? A In Oktibbeah county, Mississippi.

Q How long did he live there? A I don't think he lived there more than two or three years.

Q Where did he live immediately prior to his removal to Oktibbeah county? A Webster county.

Q How long did he live in Webster County? A I don't know--several years.

Q He lived in Mississippi all his life until he removed to the Indian Territory? A Yes sir.

Q Is his mother living? A I suppose not.

Q What was her name? A Sarah Shaw.

Q The Sarah Shaw about whom you have just testified? A Yes.

Q Is the father of Robert G. Shaw living? A No sir.

Q What was his name? A Sam Shaw.

Q Is Robert G. Shaw married? A Yes.

Q Do you know the name of his wife? A No.

Q Are you acquainted with the applicant James W. Shaw? A Yes sir.

Q What relation is he to Robert G. Shaw? A Brother.

Q Full brother? A Yes sir.

Q Father and mother were the same? A Yes sir.

Q Is James W. Shaw married? A Yes sir.

Q Do you know the name of his wife? A No sir, her father's name was Hawkins.

Q Are you acquainted with the applicant Caldonia Huffman? A Yes I used to know her by name of Donie Shaw. She married Huffman.

Q About how old a woman is she? A She is I reckon thirty five or forty.

Q Where does she live at this time? A I don't know sir, I believe she lives in the territory.

Q How long has she been out there? A I don't know.

Q Where did she live before she went to the territory? A I don't know, my recollection is she lived in Arkansas.

Q How long since you have seen her? A It has been eight or ten years.

Q Did she ever live in Mississippi? A Yes, she was born and raised here.

Q How long have you known her? A I have known her all her life.

Q Up until the time she went to Arkansas about ten years ago, she lived in Mississippi? A Yes sir.

Q Is her father living? A No sir,

Q What was his name? A Sam Shaw.

Q Is her mother living? A No sir.

Q What is her name? A Sarah Shaw.

Q She is a full sister of Robert G. Shaw and James W. Shaw? A Yes.

Q James W. Shaw lives in the state of Mississippi at this time? A Yes.

Q How long has he lived here? A All of his life.

Q Are you acquainted with the applicant Josephine Smith? A I knew her when she was a girl about grown. Her father lived near neighbor to me and moved off--I have not met her since.

Q About how old a woman is she? A About thirty five or forty years old.

Q Where does she live now? A I have been told she lives in the territory.

Q How long has she lived there? A About twelve or fifteen ~~years~~ months.

Q Where did she live before she went to the territory? A Near Mayhew or Hickory grove.

Q In what county? A In Oktibbeah county, or Lowndes county.

Q Did she ~~ever~~ live in Mississippi all her life until removing to the Indian Territory? A Yes sir, as far as I know.

Q How long have you known her? A I have known her ever since she was a girl, I suppose thirty years.

Q Is her father living? A No.

Q What was his name? A Lud Thompson or J. L. Thompson.

Q Commonly known as Lud Thompson? A Yes sir.

Q Is her mother living? A No sir.

Q What was her name? A Mary.

Q You were acquainted with Lud and his wife well? A Yes sir, very well.

Q Where did they live during your acquaintance with them? A They lived in Choctaw county, Mississippi, about two or three miles north west of Double Springs.

Q How long did they live in Choctaw county? A I don't know--several years--I don't know how long.

Q Do you know where they lived before going there? A No sir, I suppose Lud lived with his father ever in Oktibbeah county. I don't know whether they lived together anywhere until they settled there or not.

Q Which one of Josephine's parents had Choctaw blood? A I don't know, I suppose her father.

Q Do you know the amount of Choctaw blood he had? A No.

Q Was it generally understood that he was possessed of Choctaw blood? A It was generally understood that the Thompson's had Indian in them, or it was said that.

Q How old was Lud Thompson when you first became acquainted with him? A I suppose about thirty. He was quite a young man.

Q Did he ever own any land in Mississippi? A Yes sir, I suppose he did.



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Q Do you know how much? A No sir.

Q Do you know whether he got that land by purchase from an individual or received it from the government of the United States. A I suppose he purchased it from an individual; I don't suppose he ever got any government land.

Q What was his father's name? A John Thompson.

Q Were you well acquainted with him? A Yes sir.

Q What was Lud Thompson's mother's name? A My recollection is her name was Nancy Thompson.

Q What was her maiden name? A Don't know that.

Q Then Lud Thompson and Sarah Shaw were full brother and sister? A Yes sir, said to be.

Q How old would Lud Thompson be if he were living to-day? A About seventy five years old I reckon---he was older than me.

Q Through which one of his parents did he derive his Choctaw blood?

A I suppose through his mother, I don't know.

Q Was she generally understood to be an Indian? A I think they said it was generally understood that the Indian blood came from the mother.

Q Did you know her well? A Yes, tolerably well.

Q Did she look like an Indian? A Well, she had dark skin, black hair--black eyed-woman.

Q Did she speak or understand the Choctaw language? A No, I don't know that she did.

Q Do you know either way? A No, I don't know whether she did or did not.

Q Do you know whether Lud Thompson was living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A No, I was not born then.

Q You do not know whether he or any one for him signified his intention to the Indian Agent within six months after the ratification of the treaty of Dancing Rabbit Creek to remain and become a citizen of the United States? A No sir, I don't know.

Q If he ever got any land from the government under article fourteen you never heard of it? A No sir.

Q Did you ever hear of him getting any scrip from the government under the act of August 23 1842? A No sir.

Q Do you know whether when the government commission appointed under the act of March 3, 1837 or the government Commission appointed under the act of Congress of August 23, 1842, were in Mississippi, he appeared before them and attempted to establish his claim under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know anything about that.

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Q Are you acquainted with the applicant Beulah Smith? A Yes sir, I have met her a few times. She was born and raised out of my neighborhood.

Q Do you know her father's name? A No sir.

Q Do you know her mother's name? A Josephine Smith.

Q She is the Josephine Smith about whom you have just testified? A Yes sir.

Q Do you know whether Lud Thompson and the mother of Josephine Smith were lawfully married? A No sir, I don't know, I suppose they were.

Q You were not present at their marriage? A No sir.

Q Do you know whether they were married? A No sir.

Q Do you know how long they lived together as man and wife? A No, sir, I don't know.

Q About how long? A About fifteen or twenty years, their oldest child was about grown.

Q They lived together until the death of Mrs Thompson? A Yes sir.

Q Are you acquainted with the applicant James M. Pilkinton? A I met him about a year ago.

Q Do you know his mother's name? A No sir---Yes, Josephine Thompson was his mother.

Q Now her name is Smith? A Yes.

Q Do you know she is his mother? A Yes sir.

Q He was a son of Josephine Smith by a former husband? A Yes, I suppose so.

Q You don't know definitely? A No sir.

Q Are you acquainted with the applicant Mary B. Lee? A No sir.

Q You don't know who her father and mother were? A No.

Q Are you acquainted with the applicant Sarah Thompson, wife of Rector Thompson? A Yes I had some acquaintance with her.

Q Do you know whether she has any Indian blood? A No, don't know.

Q You never heard she had? A No sir.

Q Are you acquainted with the applicant Anelia Terressa Kyle?

A I suppose I have met her.

Q Do you know her father's name? A Her father's name Rector Thompson I suppose.

Q Do you know her mother's name? A Her mother's name Sarah.

Q Were you well acquainted with Rector Thompson? A Yes.

Q When did he die? A Several years ago he was killed.

Q Where? A Over in Oktibbeah county.

Q Did he have any Indian blood? A I suppose so, it was generally said that the Thompsons had Indian blood; I don't know.

Q What was his father's name? A John Thompson.

Q What was his mother's name? A They say her name was Nancy.

Q Rector was a full brother to Lud Thompson and Sarah Shaw? A Yes sir.

Q Do you know whether Rector Thompson ever owned any land in Mississippi? A No sir, I don't know. I suppose he did.

Q Where did he live when you knew him? A Down in Oktibbeah county east of Double Springs, between Double Springs and Starkville.

Q Do you know how long he lived there? A No, he lived there several years.

Q How old was he when you first met him? A He was a young man, probably twenty five or thirty years old.

Q Was he older than you? A Yes sir.

Q Was he much older than you? A May be ten or fifteen years--may be twenty.

Q He was older than Lud Thompson? A Yes.

Q You don't know whether he ever got any land in Mississippi from the government of the United States? A No sir, I don't know.

Q Do you know whether he ever got any scrip from the government under the act of Congress of August 23, 1842? A I don't think I never heard it.

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Q Are you acquainted with the applicant William R. Kyle? A No sir.  
Q Do you know the names of his father and mother? A No sir.

Q Are you acquainted with the applicant Lee Kyle? A No.

Q Are you acquainted with the applicant Ed Thompson? A No, I have no acquaintance with him. I sort of know of him.

Q Do you know the names of his father and mother? A No.

Q Are you acquainted with the applicant Jennie Oera Lewis? A No sir.

Q You don't know the names of her father and mother? A No sir, I knew all of the old folks but these children as they grew up moved away. They used to call old man Thompson Dexter but his name was John.

Q You refer now to the husband of Nancy Thompson and the mother of Rector, Bud Thompson, and Sarah Shaw. A Yes.

Q He was commonly known as Dexter Thompson? A Yes, we called him old man Dexter Thompson--it was a nickname I suppose.

Witnesses Exeused.

And now the hour of adjournment having arrived, the further hearing of testimony in the above entitled causes, is continued until Tuesday morning, July 2nd, 1901, at nine o'clock a.m.

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T U E S D A Y, JULY 2, 1901.

And now on this 2nd day of July, 1901, at nine o'clock, a.m., pursuant to adjournment, the further hearing of testimony in the above entitled causes is had, as follows to-wit:

ROBERT G. SHAW, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

Q What is your name? A Robert G. Shaw.

Q What is your age? A About forty one.

Q What is your post office address? A Ardmore, Indian Territory.

Q You are an applicant for identification as a Mississippi Choctaw? A Yes sir.

Q Are you the person referred to in the testimony of witnesses yesterday as Sid Shaw? A Yes sir.

Q What is your middle name? A Sidson--always go by that name.

Q Are you the identical Robert G. Shaw who appeared before the Commission to the Five Civilized Tribes at Colbert, Indian Territory, June 11, 1900, and made application for the identification of yourself and minor children as Mississippi Choctaws and your wife as an intermarried Mississippi Choctaw? A Yes sir.

By L.P. Hudson, counsel for applicants:

Q In that examination you refer to at Colbert, where you are asked the amount of Choctaw blood you claim, your answer appears to be one sixteenth--is that correct? A No sir.

Q What amount of blood do you claim? A One eighth.  
Q Your mother was one quarter was she? A Yes sir and grandmother one half.

By the Commission:

Q You get yk your Choctaw blood through your mother? A Yes sir.  
Q What is her name? A Sarah G. Shaw.  
Q Is she living? A No sir.  
Q When did she die? A Some time in March 1901.  
Q Where did she die? A Died in Chickasaw Nation near province.  
Q You claim she was a quarter blood Choctaw? A Yes sir.  
Q Did she get her Choctaw blood through her father or mother? A mother.  
Q What was her mother's name? A Nancy Thompson.  
Q What was her mother's maiden name? A Nancy Rector  
Q And you claim she was a half blood Choctaw Indian? A Yes sir.  
Q Did you ever see her? A Yes sir.  
Q When did she die? A I think in 1875 or 1876 as well as I remember  
Q Do you remember her personal appearance? A Yes sir.  
Q Did she have the appearance of an Indian? A Yes sir.  
Q Did she look as if she possessed one half Indian blood? A Yes I think she did; she was copper colored; had long straight hair, black eyes and high cheek bones.  
Q You claim, she was a half blood? A Yes sir.  
Q Did she speak or understand the Choctaw language? A My understanding is that she could talk it.  
Q You couldn't swear positively that she could? A No, I don't know of my own knowledge about that, but I have heard other people--- my mother and others---say she could talk it---used to know it.  
Q Where did she live immediately prior to her death in 1875?  
A In Oktibbeah county, Mississippi.  
Q How long had she lived in that county? A She was in the same house where she died when I was born. All my life until she died she lived in the same place.  
Q Do you know whether she ever received any land from the government under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw? A No, I don't know whether she did or not.  
Q Do you know whether she ever made any effort to take advantage of the provisions of that article? A No sir, not of my own knowledge.  
Q Do you know whether she ever received any scrip from the government under the act of Congress of August 23, 1843? A She might have received it, I don't know.  
Q Through which one of her parents did Nancy Rector get her Indian blood? A Her mother.  
Q Did you know her? A No sir.  
Q Did you ever see her? A No sir.  
Q What was her name? A Nancy---Nancy Rector was named for her mother.  
Q Did she have any Indian name? A My grandmother's Indian name was known as Washetubbee, but her mother I never heard anything except Nancy.

Witness Excused.

W. F. PONDREN, called as a witness on behalf of applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A W. F. Pondren.  
Q How old are you? A Fifty two years old.  
Q What is your post office address? A Starkville, Mississippi.  
Q Oktibbeah county, Mississippi? A Yes sir.  
Q What is your occupation? A Farming.  
Q Are you interested in any way in this case? A None on earth.  
Q In none of the cases in which you are to testify? A No sir.  
Q Are you any relation to any of the applicants? A No sir.  
Q What is your nationality? A White.  
Q How long have you lived in Oktibbeah county, Mississippi? A I have lived there about twenty years.  
Q Continuously? A Yes sir.  
Q Where did you live before going to Oktibbeah county? A Choctaw county--born and raised there.  
Q Lived in Choctaw county up until the time you moved to Oktibbeah county, twenty years ago? A Yes, except two years I was in the Mississippi bottoms in 1874 and 1875.  
Q Are you acquainted with the applicant Sarah Shaw? A Yes sir.  
Q Is she living? A No sir.  
Q When did she die? A I couldn't tell the exact date, along in the winter some time. She died in the territory.  
Q She was living in the Indian Territory at the time of her death? A Yes sir.  
Q About how old a woman was she when she died? A I don't know, I would suppose she was somewhere about sixty five years old--may be a little older-- may be seventy.  
Q How long have you known her? A Ever since I can recollect.  
Q Do you know whether she was possessed of Indian blood? A Yes she was. She claim it and people all around claimed it.  
Q Generally understood? A Yes, generally understood she was part Indian.  
Q Before she removed to the territory she lived in what county in Mississippi? A Oktibbeah county.  
Q How long did she live there? A I reckon she lived there all her life. She was born and raised there I reckon. I don't reckon nothing about it, because I know it.  
Q Do you know how much Choctaw blood she had? A I think she claimed one quarter--that is what I recollect.  
Q Is her father living? A No sir.  
Q Were you acquainted with him during his life time? A Yes sir.  
Q What was his name? A Johnnie Thompson -- people generally called him old uncle Johnnie.  
Q Is her mother living? A No sir.  
Q Were you acquainted with her mother during her life time? A Yes I was a small boy.  
Q What was her name? A Nancy.  
Q Through which one of her parents did Sarah Shaw's mother derive her Choctaw blood? A Her mother.  
Q Her father was a white man? A Yes sir.  
Q When did her mother Nancy die? A In 1835 I think, I was living in the Mississippi bottoms when I heard of her death.



Q You remember her do you distinctly? A Yes sir, I remember her face just the same as if I had seen her maybe yesterday.

Q Did she have the appearance of being Indian? A When she and other Indian women were together, you could hardly discriminate about them. When I was a boy I was afraid of the Indians. I was acquainted with old man Thompson and they all had the favor.

Q Do you know whether Nancy Thompson could understand and speak the Choctaw language? A Yes, she could talk with the Indians.

Q You are sure she talked the Choctaw language? A Yes, I know she spoke the same as the Indians.

Q Give us a description of her personal appearance? A She was tall, but not heavy set woman, not like Sarah Shaw her daughter. She was bright copper colored, high cheek bones, black hair and black eyes. She had really a long nose, kind of hook nose. I can remember face the same as yesterday. She had long, coarse black hair.

Q Do you know what her maiden name was? A She was a Rector--This is old man John Thompson's wife. I heard her called--and I have heard the old man call her sometimes when they get up a little argument, he would just call her old Washetubbee.

Q That was her Indian name? A I suppose it was.

Q Do you know how long she lived in Oktibbeha county, Mississippi?

A As far as I recollect, if she ever lived anywhere else I don't know. She was old when I was a boy, I don't suppose I was over ten or twelve years old when I first knew her.

Q Did you ever hear of her having received any land from the Government of the United States? A No, if she ever did, I never heard it. I heard something talked along about that time that there was a probability of old Johnnie Thompson getting a lift somewhere along that line, but I don't think he did. If he did, he never showed it afterwards.

Q Do you know whether Nancy Thompson ever received any scrip from the Government under the act of Congress of August 23, 1842? A I do n't know, but I don't suppose she did, I couldn't say.

Q Were you acquainted with the father and mother of Nancy Rector?

A No sir.

Q You don't know who they were? A No sir.

Q How much Choctaw blood did Nancy Rector claim to have? A I think she claimed to be half.

Q You think her personal appearance would bear out that claim?

A Yes sir.

Q Did Nancy Rector during her lifetime associate with the Choctaw Indians in this country or entirely with the white people? A Mixed up, but more with the white people. The Indians visited her but I don't know whether she visited them or not. I know she did with the white people.

Q How old would Nancy Rector be if she were living at this time?

A She would be getting away up about eighty or ninety years old. I she was an old woman when I was a little boy at any rate.

Q Did Nancy Rector ever own an improvement in Mississippi--any land with improvements on it? A I declare I couldn't tell you. I was small and don't know. They made one little move but not out of sight of the old place, but whether they owned land or not I couldn't tell you. My opinion is that they did not but I couldn't tell.

Q Are you acquainted with the applicant Robert G. Shaw? A Yes sir

Q Where does he live at this time? A Ardmore, Indian Territory.

Q How long have you known him? A Ever since he was born.

Q About how old a man is he? A He is somewhere about forty, may be something over forty.

Q Is his father living? A No sir.

Q What was his father's name? A Sam Shaw.

Q What is his mother's name? A Sarah Shaw.

Q Is she living? A No sir.

Q Is she the Sarah Shaw about whom you have just testified as being the daughter of Nancy Rector and John Thompson? A Yes sir.

Q Are you acquainted with the applicant James W. Shaw? A Yes sir.

Q About how old a man is he? A He is near my age, I suppose may be he is a year older than me.

Q You have known him all your life? A Yes.

Q Where does he live? A In Oktibbeah county.

Q Has he a family? A Yes sir.

Q What relation is he to the applicant Robert G. Shaw? A Brother.

Q Full brother? A Yes sir.

Q His mother was Sarah Shaw the daughter of Nancy Rector? A Yes sir.

Q Are you acquainted with the applicant Caldonia Huffman? A Yes sir.

Q How long have you known her? A I have known her ever since she was born.

Q About how old is she? A I have forgotten. We were small children together. She must be about forty five years old.

Q Where does she live at this time? A I don't know, she is in the territory or Texas, she is somewhere west.

Q Is her father living? A No sir.

Q What was her father's name? A Sam Shaw.

Q What is her mother's name? A Sarah Shaw.

Q Is she living? A No sir.

Q She is a full sister of Robert G. Shaw and James W. Shaw? A Yes sir.

Q Are you acquainted with the applicant Josephine Smith? A Yes sir.

Q How long have you known her? A Ever since she has been Josephine Smith--all her life.

Q What was her maiden name? A Always called her Jee--her name was Thompson.

Q Was she married more than once? A Yes sir, she was married more than once.

Q What was her first husband's name. A Pilkinton--I don't know everything as you would like to have it. They lived in the east part of the county and I lived in the extreme west end.

Q Is the father of Josephine Smith living? A No sir.

Q Were you acquainted with him during his lifetime? A Yes sir.

Q What was his name? A Lud Thompson--I think he signed his name J.L. Thompson.

Q Do you know what his first name was? A James I think.

Q Commonly known as Lud? A Yes sir.

Q Is the mother of Josephine Smith living? A No sir.

Q What was her name? A Mary.

Q Through which one of her parents does Josephine Smith derive her Cheataw blood? A Through Lud Thompson.

Q About how much Cheataw blood has Josephine Smith? A I couldn't



hardly get at it About one eighth I reckon---her father claimed to be one quarter.

Q Do you know whether Lud Thompson and Mary Thompson were lawfully married or not? A I don't know, only I know they were good responsible people and good citizens.

Q You were not present at their marriage and don't know anything about it? A No sir.

Q They lived together and raised a family? A Yes sir.

Q How long ago did Lud Thompson die? A I suppose about twelve years ago.

Q About how old was he when he died? A He must have been about sixty five years old I reckon.

Q Through which one of his parents did Bud Thompson get his Choctaw blood? A Through his mother.

Q What was his mother's name? A Nancy Thompson--Nancy Rector.

Q What was the name of the father of Lud Thompson? A John Thompson.

Q Is Nancy Thompson the identical Nancy Thompson about whom you have testified as the mother of Sarah Shaw? A Yes sir.

Q Then Lud Thompson and Sarah Shaw are full brother and sister? A Yes sir.

Q Do you know whether Lud Thompson ever received any scrip from the government under the act of Congress of August 23, 1842? A No sir, I don't know.

Q Do you know whether he ever received any land in Mississippi from the government of the United States? A No sir, I couldn't tell you

Q Did you ever hear of his having received any? A No sir.

Q Did he ever go to the Indian Territory? A I don't think he did. If he ever did I never heard of it.

Q Did his mother Nancy Rector ever go to the Indian Territory. A I reckon not, if she ever did I never heard of it.

Q Are you acquainted with the applicant Beulah Smith? A Yes sir.

Q How long have you known her? A Ever since she was born.

Q Where does she live at this time? A I think Ardmore, Indian Territory is her home.

Q About how old is she? A She is I reckon twenty two or twenty three, perhaps a little over. Along there somewhere.

Q Do you know how much Indian blood she has? A I don't know whether I could enumerate it or not. About one twelfth or one sixteenth. Her mother claimed one ~~half~~ eighth.

Q But you don't know? A No sir.

Q Is her mother living? A Yes sir.

Q What is her name? A I always did know her by Joe Thompson.

Q What is her name besides Joe? A Her name now is Smith.

Q Was Joe a nickname? A I suppose it was, I don't know.

Q Was her full name Josephine? A I reckon it was. They always called her Joe.

Q Is the father of Beulah Smith living? A No sir.

Q What was his name? A I don't know.

Q Through which one of her parents does Beulah Smith derive her Choctaw blood? A Mother.

Q Is her mother the identical Josephine Smith about whom you have testified? A Yes sir.

Q Beulah Smith is the granddaughter of Lud Thompson and the great granddaughter of Nancy Rector? A Yes sir.

Q Are you acquainted with the applicant James H. Pilkinton? A Yes sir, I have met him a good many times.

Q Where does he live at this time? A He is in the territory is my understanding, at Ardmore.

Q How long has he lived there? A Only about a year? Probably he has been there two years.

Q Where did he live prior to that time? A Oktibbeah county, Mississippi.

Q How long did he live there? A All his life--born and raised there.

Q How long have you known James H. Pilkinton? A I have been knowing of him ever since he was born.

Q Has he any Indian blood? A I suppose he must have a little, but I couldn't designate it.

Q You couldn't swear to it either way? A No sir, but he must have some.

Q About how old a man is he? A I suppose he is about twenty two or twenty three.

Q Is his mother living? A Yes sir.

Q What is her name? A Josephine Smith.

Q He is a son of Josephine Smith by a former husband? A Yes sir.

Q Is James H. Pilkinton's father living? A No sir.

Q What was his name? A Couldn't tell you except Pilkinton.

Q Did you know him? A I knew him when I saw him?

Q Was he a white man? A Yes sir.

Q Had he Indian blood? A No sir, never heard of any.

Q James H. Pilkinton gets his Indian blood solely through his mother Josephine Smith? A Yes, I think so.

Q Is she the identical Josephine Smith about whom you have just testified? A Yes sir.

Q James H. Pilkinton is a half brother of Emma Beulah Smith about whom you have just testified? A Yes sir.

Q Are you acquainted with the applicant Mary B. Lee? A Yes sir.

Q Where does she live at this time? A She is in Oktibbeah county. She went to the Territory sometime during the fall about a year ago.

Q Has she moved back to Oktibbeah county permanently? A She is back here and my understanding is that she moved back. I have not seen her, but that is my understanding.

Q When did she move to the territory? A About a year ago.

Q Where did she live prior to that time? A Oktibbeah county, Mississippi, is where she was born and raised, and she never lived anywhere else until she went to the territory.

Q You have known her all your life? A Yes sir.

Q Has she any Indian blood? A Claims it, yes sir.

Q Is her father living? A No sir.

Q What was his name? A Lud Thompson, J.L. Thompson.

Q James L. Thompson, commonly known as Lud Thompson? A Yes sir.

Q Is her mother living? A No sir.

Q What was her mother's name? A Mary.

Q Were you well acquainted with this family? A Yes sir.

Q Does Mary B. Lee get her Indian blood through her father or mother?

A Father.

Q Is he the identical Lud Thompson about whom you have testified heretofore? A Yes sir.

Q Mary E. Lee is a full sister of Josephine Smith about whom you have just testified? A Yes sir.

Q Are you acquainted with the applicant Sarah Thompson? A Yes sir.

Q Is her husband living? A No sir.

Q What was his name? A I knew him as Ree Thompson---Rector Thompson.

Q Did he have any Indian blood? A Yes sir.

Q Does Sarah Thompson have any Indian blood? A No sir, I never heard of any.

Q Are you acquainted with the applicant Amelia Terrance Kyle?

A Yes sir.

Q How long have you known her? A Ever since she was born.

Q About how old is she? A She is right about fifty years old I suppose.

Q Where does she live at this time? A In Indian Territory about Ardmore.

Q How long has she lived there? A About a year.

Q Where did she live immediately prior to going to the territory?

A Oktibbeah county, Mississippi.

Q How long did she live there? A All her life, born and raised there.

Q Has she any Indian blood? A Yes sir.

Q Could you swear positively that she has? A Only through representations.

Q Is her father living? A No sir, he was killed in 1893.

Q What was his name? A Ree Thompson.

Q How old a man was he when he was killed? A I reckon he was sixty five years old somewhere in that neighborhood.

Q Is her mother living? A Yes sir, she is living.

Q What is her name? A Sarah.

Q Has Sarah any Indian blood? A None at all.

Q The applicant, Amelia Terrance Kyle gets her Indian blood solely through her father, Ree Thompson? A Yes sir.

Q How much Indian blood did he have? A I think he claimed to be about one half or one quarter.

Q You don't know anything about it except what you have heard?

A No sir.

Q Did he have the appearance of being an Indian? A Yes sir.

Q Did he speak or understand the Choctaw language? A I don't know about that.

Q How long did you know Ree Thompson? A I knew him ever since I could recollect. He was a good big boy when I was a little boy--he was older than I was a bout fifteen years.

Q Do you know whether he ever got any land from the government?

A No sir, I don't know.

Q Do you know whether he ever received any scrip from the government? A I don't suppose he ever did. They were mighty poor people.

Q Were you acquainted with his father and mother? A Yes sir.

Q What was the name of his father? A John Thompson.

Q What was the name of his mother? A Nancy.

Q What was her maiden name? A Nancy Rector.

Q She is the identical Nancy Rector about whom you have testified as the mother of Sarah Shaw and Lnd Thompson? A Yes sir.

Q Sarah Shaw, Lnd Thompson and Rector Thompson were therefore full brothers and sisters? A Yes sir.

Q Did Rector Thompson ever go to the Indian Territory? A No sir, I don't think he ever did. He was killed in 1875.

Q Sarah Shaw never went out there until the last year? A No sir.

Q And Lud Thompson never went out there? A No sir.

Q Are you acquainted with the applicant William R. Kyle? A Yes sir

Q About how old a man is he? A He is about twenty years old I reckon. I partly raised the boy.

Q Where does he live at this time? A In the territory.

Q How long has he lived out there? A He has been there a year.

Q Where did he live immediately prior to his moving to the territory

A In Oktibbeah county.

Q Mississippi? A Yes sir.

Q Did he live there all his life until a year ago? A Yes sir

Q Is his mother living? A Yes sir.

Q What is her name? A Terressa Kyle.

Q Amelia Terressa Kyle the same woman about whom you have just testified? A Yes sir. I made the statement that I partly raised the boy. I took his mother and him--it was supposed that his father was killed.

Q What was his father's name? A Tom Kyle.

Q Did he have any Indian blood? A No it was said he did, I don't know. Only hearsay--he never claimed it.

Q Are you acquainted with the applicant Lee Kyle? A Yes sir.

Q How long have you known him? A Ever since he was born.

Q How old is he? A I reckon about eighteen years old.

Q Where does he live? A In the territory near Ardmore.

Q How long has he lived there? A About a year.

Q Where did he live immediately prior to removing to the Indian Territory? A Oktibbeah county, Mississippi.

Q He lived there all his life until a year ago? A Yes sir.

Q Is his father living? A I couldn't tell you about that; it was reported he was murdered in Starkville. The general supposition was he was murdered there.

Q What was his name? A Tom Kyle.

Q Is the mother of Lee Kyle living? A Yes sir.

Q What is her name? A Terressa Kyle.

Q Lee Kyle is a full brother of William R. Kyle about whom you have just testified? A Yes sir.

Q Are you acquainted with the applicant Ed Thompson? A Yes sir.

Q How long have you known him? A All his life.

Q About how old is he? A I reckon he must be about forty years old.

Q Where does he live at this time? A Indian Territory.

Q How long has he lived there? A About a year.

Q Where did he live immediately prior to removing to the territory?

A Oktibbeah county, Mississippi.

Q How long did he live in Oktibbeah county? A All his life, he went one year to Alabama and back to Oktibbeah county.

Q Has he any Indian blood? A Yes sir.

Q Do you know how much? A He is a son of Rector Thompson and Red claimed to be one quarter that would make him about one eighth.

Q Is Ed Thompson's mother living? A Yes sir.

Q What is her name? A Sarah.

Q She has no Indian blood? A No sir.



Q Ed Thompson and Jennie Louisa Thompson Kyle about when you have  
 Q been married? A Yes sir.  
 Q How long have you known her? A Yes sir.  
 Q Are you acquainted with the applicant Jennie Sara Lewis? A Yes  
 Q sir.  
 Q How long have you known her? A Ever since she was born.  
 Q About how old is she? A I reckon sixteen or seventeen years old  
 Q Where does she live at this time? A In Indian Territory.  
 Q How long has she lived there? A About a year.  
 Q Where did she live immediately prior to removing to the territory?  
 A Oshtibeeh county, Mississippi.  
 Q Did she live there all her life until she removed there? A Yes.  
 Q Is her father living? A Yes sir.  
 Q What is her father's name? A Ed Thompson.  
 Q Is he the identical Ed Thompson about whom you have just testified  
 A Yes sir.  
 Q Is her mother living? A Yes sir.  
 Q What is her mother's name? A She was a Yammanshefers she married  
 Q What is her given name? A Jennie.  
 Q She then is a granddaughter of Reuter Thompson and a great grand  
 daughter of Nancy Thompson nee Reuter? A Yes sir.  
 W i t n e s s E x a m i n e d .

JAMES C. THOMAS, Re-called for further examination.

Examination by the Commission:

Q Are you interested in any way in any of these cases? A No sir,  
 no interest in them.  
 Q Are you related to any of the applicants in any way? A No sir.  
 W i t n e s s E x a m i n e d .

H. C. Risteen, having been first duly sworn, upon his oath states  
 that as stenographer to the Commission to the Five Civilized Tribes  
 he reported in full all proceedings had in the hearing of the  
 cases set forth in the caption, on the first and second days of July,  
 1901, at Meridian, Mississippi, and that the above and foregoing is a  
 full true and correct transcript of his stenographic notes of said  
 proceedings on said dates.

*H. C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this  
 5th day of July, 1901.

*[Signature]*  
 Notary Public.

Muskogee, Indian Territory, February 8, 1901.

Messrs Hudson & Arnold,

Admore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of February 1, inclosing marriage license between Mr. J. W. Shaw and Miss Julia Hawkins, which you desire to have filed in support of the application for identification as a Mississippi Choctaw of J. W. Shaw. The same has been placed with the other records in this case.

Yours truly,

Acting Chairman.

MC 1134

Muskogee, Indian Territory, August 10, 1901.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 2nd enclosing birth affidavits covering the birth of Lester Shelley Shaw, infant son of James W. and Julia A Shaw. These affidavits are accepted as evidence of the birth of this child and this application will be filed with and made a part of the record of the original application of James W. Shaw for identification as a Mississippi Choctaw.

Yours truly,

MC-1132



Muskogee, Indian Territory, August 22, 1901.

Mr. James W. Shaw,  
Adaten, Mississippi.

Dear Sir:-

At the office of the Commission to the Five Civilized Tribes at Atoka, Choctaw Nation, Indian Territory, on Tuesday August 20th, 1901, upon a motion duly made by ~~the~~ Attorney for the several applicants in the cases of Robert G. Shaw et al., for identification as Mississippi Choctaws, the hearing of further testimony of ~~the~~ witnesses in person was continued until Monday, October 24th, 1901, at 9:00 o'clock A.M., at the office of the Commission at Atoka, Choctaw Nation, Indian Territory.

Yours truly,

M.C.R.1124

Commissioner in Charge.

COPY.

M O R 1124

Muskegee, Indian Territory, March 3, 1902.

James W. Shaw,

Adaton, Oktibbeha Co.,

Mississippi.

Dear Sir-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert G. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert G. Shaw, et al.,	M.C.R. 133
Sarah Shaw,	M.C.R. 134
Sarah Thompson,	M.C.R. 135
Josephine Smith,	M.C.R. 137
James W. Pilkinton, et al.,	M.C.R. 139
Boulah Smith,	M.C.R. 138
Ed Thompson, et al.,	M.C.R. 136
Jennie Corn Lewis,	M.C.R. 910
William R. Kyle, et al.,	M.C.R. 927
Lee Kyle,	M.C.R. 953
Mary E. Lee, et al.,	M.C.R. 734
Caldonia Huffman, et al.,	M.C.R. 728
James W. Shaw, et al.,	M.C.R. 1124
Mary I. Shaw,	M.C.R. 2891

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that

J. W. S.-----2.

and may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Robert G. Shaw, Velmer Shaw, Ola B. Shaw, Loring Shaw, Sarah Shaw, Josephine Smith, James H. Pilkinton, Annie Pilkinton, Willie Pilkinton, James A. Pilkinton, Beulah Smith, Ed Thompson, Prince Thompson, Rector Thompson, Henry Thompson, Georgia Thompson, Nellie Thompson, Jennie Cera Lewis, Amelia Terressa Kyle, Chalmers Guy Kyle, Thomas Robert Kyle, William R. Kyle, Lee Kyle, Mary E. Lee, Velma Rodnett, Lud Rodnett, Estelle Lee, Talmidge Lee, Willie Esten Lee, Caldonia Huffman, Oscar Chilcote, Ulie Huffman, James W. Shaw, Joe Shaw, Tom Shaw, Robert Shaw, William Shaw, Arizona Shaw, Clark Shaw, John Shaw, Frank Shaw, Lester Shelley Shaw and Mary I. Shaw as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicant Sarah Thompson, withdrawing the application which she made for the identification of herself as an intermarried Mississippi Choctaw, no further consideration of her case is necessary.

"It is further the opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Robert G. Shaw for the identification of his wife Ida M. Shaw, and the application made by James H. Pilkinton for the identification of his wife Cannie Pilkinton, and the application made by Ed Thompson for the identification of his wife Jennie Thompson, and the application made by Mary E. Lee for the identification of her husband Herbert Lee, and the application made by Caldonia Huffman for the identification of her husband Albert Huffman, as Choctaws or intermarried Mississippi Choctaws should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

U.S. J. W. S. *James B. Kirby* aka

Registered.

ACTING CHAIRMAN.  
Commissioner in Charge.

M.O.R. 1134

Muskogee, Indian Territory, May 9, 1902.

James W. Shaw,

Adaton, Oktibbeha County, Mississippi.

Dear Sir:-

You are hereby advised that on the 1st day of May, 1902 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert G. Shaw, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

No. 1124

For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name James W. Shaw

Age 48 Blood 1/8 Choctaw

Post Office, Adaton, Miss.

Father: Samuel C. Shaw Dead

Mother: Sarah C. Shaw ✓

Claims through mother.

Wife: Julia Shaw  
no claim for wife

Children:

1.	Joe Shaw.	18	years old
2.	Gow "	16	" "
3.	Robert "	15	" "
4.	William "	13	" "
5.	Arizona "	11	" "
6.	Clay "	9	" "
7.	John "	7	" "
8.	Frank "	5	" "

Stenographer:  
Frances Brown

MCR #1124

James A. Shaw et al

Original papers herein  
forwarded to Mus-  
koge. Further hear-  
ing given in this  
case at Meridian.

Miss. July 1, and 2,

1901. Additional tes-  
timony will also  
be taken at Atoka.  
I. T. Aug. 20, 1901.

A. B.

July 19, 1901.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Q#* 1124

REFUSED.

*James W. Shaw et al.*

JUDGMENT WRITTEN MARCH 28th, 1901, JH.H.



Choc mcr 1125 Sam Simpson

mcr 1125

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

----- oOo -----

The record herein is in the matter of the application  
of Sam Simpson for identification as a Mississippi  
Choctaw-----M.C.R. 1125

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sam Simpson  
for identification as a Mississippi Choctaw

M.C.R. 1125

----- I N D E X -----

	Page
Original application of Sam Simpson before the Dawes Commission for identification as a Mississippi Choctaw	1
Supplemental testimony of Big Wiley Johnson in support of the above application	3
Decision of the Commission identifying the applicant Sam Simpson as a Mississippi Choctaw	5

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Identification as a  
Mississippi Choctaw of Sam Simpson.

Sam Simpson, having been first duly sworn by Acting  
Chairman Bixby, testified as follows:

By Mr. Bixby:

Q What is your name? A Sam Simpson.

Q What is your age? A About 55 years : I gave my name over at  
Decatur once.

This applicant appeared before the Commission at  
Decatur on February 7, 1898; his name is No. 1363 on  
the schedule.

Q What is your postoffice address? A Hickory, Mississippi.

Q How long have you lived in Mississippi? A I was born and raised  
there.

Q Born in Mississippi? A Yes sir.

Q And have lived here all your life? A Yes sur.

Q What was your father's name? A Jim simpson.

Q Is he living? A No sir.

Q How long has he been dead? A He died about 10 or 12 years ago.

Q How old was he when he died? A I don't know; he was pretty old  
though.

Q Pretty old man? A Yes sir.

Q Was he a full blood Choctaw Indian? A Yes sir.

Q What is your mother's name? A Liza.

Q She is living, is she? A Yes sir.

Q How old is she? A I don't know; I think about 80 years.

Q Is she a full blood Choctaw Indian? A Yes sir.

Q Your yourself a full blood Choctaw Indian? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in  
the Indian Territory? A No sir.

Q You have never been in the Indian Territory? A No sir.

Q And have never made application to the tribal authorities for  
citizenship in the Choctaw Nation in the Indian Territory? A No

Q Did you, or did anyone in your behalf, make application in 1896 to  
the Commission to the Five Civilized Tribes for citizenship in the  
Choctaw Nation under the act of Congress of June 10, 1896?

A No sir.

Q Have you been admitted to citizenship in the Choctaw Nation by a  
judgment of the United States court for the Indian Territory?

A No sir.

Q Have you ever prior to this time, made application to either the  
tribal authorities of the Choctaw Nation in the Indian Territory,  
or to the authorities of the United States for citizenship or enrol-  
ment as a Choctaw Indian? This time and the time before you ap-  
peared before the Commission two years ago, were the only times  
you ever made application? A Yes sir.

Q Is it now your purpose to make application for identification as a  
Mississippi Choctaw? A Yes sir.

Q Do you claim under the provisions of the 14th article of the treaty  
of 1830? A No sir.

Q You don't know what the 14th article of the treaty of 1830 is, do o  
you? A No sir.

Q But if you have any rights in the Choctaw nation, you want to get  
them? A Yes sir.

Q Are you willing to remove to the Choctaw Nation? A No sir.

Q In case the law requires you to go to the Choctaw Nation to live  
in order to get the land, don't you want to go? A No, I don't  
want to go there anyhow.

2-Sam Simpson.

- Q Have you any land in Mississippi? A No sir.
- Q Are you a rich man or a poor man? A Poor man.
- Q Supposing there is enough land in the Choctaw Nation in the Indian Territory to make you a comfortable home and farm of good land, don't you want to go over there and live on it? A No sir.
- Q Was Jim Simpsonn a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty was entered into between the United States and the Choctaw Indians? A Yes sir.
- Q How do you know Jim Simpson was a recognized member of the Choctaw tribe of Indians in 1830? A They all said so; everybody said so.
- Q Have you any evidence showing that you are a direct lineal descendant of Jim Simpson? A Yes sir.
- Q What is the nature of that evidence; is there anyone here that knew Jim Simpson? A No sir.
- Q Have you any papers showing that you are the grandson of Jim Simpson? A No sir.
- Q Did Jim Simpson signify to the United States Indian Agent of the Choctaw Indians in Mississippi within six months after the ratification of the treaty of 1830, his intention to remain and become a citizen of the United States? A I don't know.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A I don't know that.
- Q Are you married? A Yes, I use to marry, but my lady is dead.
- Q Have you any children under 21 years of age? A No, got one over thirty.
- Q Is there any additional statement that you desire to make in support of our application at this time? A No sir.
- Q Have you any documentary evidence which you desire to offer in support of your application at this time? A No sir.

Upon a careful consideration of the testimony offered in this case the commission will render its decision and a copy of the same will be furnished you, mailed to your present postoffice address.

Memorandum: This man appears to be a full blood Indian.

-----o-----

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Frances R. Brown*

subscribed and sworn to before me this 5th day of January, 1901.

*John E. Lieber*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 8th, 1902.

In the matter of the application of Sam Simpson for the identification of himself as a Mississippi Choctaw, M.C.R.1125.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.  
Q How old are you? A Fifty-seven.  
Q What is your postoffice address? A Hickory, Mississippi.  
Q Are you the identical Big Wiley Johnson who appeared before this Commission at Meridian, Mississippi, August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes sir.  
Q Do you know a Choctaw Indian by the name of Sam Simpson? A Yes, I know him.  
Q Where does he live? A Live on edge of Jasper and Newton Counties.  
Q Is he the Sam Simpson who went before the Commission at Hattiesburg on December 18, 1900, and applied for identification as a Mississippi Choctaw? A Yes.  
Q At that time he gave his postoffice address as Hickory, Mississippi; was he living near that place at that time? A Yes.  
Q Is he a married man? A His wife died.  
Q Do you know whether he has any children or not? A William Simpson is all I know.  
Q Is that a son of his? A Yes.  
Q Did you know his father? A Yes.  
Q What was his name? A White folks say Old Simpson--Indian name Tah-ni-chubbee.  
Q Do you know Tah-ni-chubbee's daddy? A No, I don't know him.  
Q Do you know any of his brothers or sisters? A No.  
Q Did you ever hear of an Indian named E-mok-lam-be? A No.  
Q Did you ever hear of Un-tim-ah-ho-nah? A No.  
Q Did you know Sam's mother? A Indian name.  
Q What was that? A Cha-ho-ka.  
Q Did you know her English name? A I think his name Liza.

Reference is made to claimant's bried in the case of the Choctaw Nation, vs. United States, No.12742, Volume 1, page 569, abstract No.5, Commissioners' No.317, Tah-ni-chubbee is shown as a ~~child~~ ten years of age of Low-ah-tubbee, dead; place of residence-Section 20, Township 12, Range 14 East; remarks (in pencil in the original) inten-

Sam Simpson--2

tion to remain, residence proved, land vacant and awarded; claimant (Tan-e-chubbee) S.E. quarter 19, 12, 14.

Reference is also made to the same record, page 525, Court No. 563, Cha-ho-ka is given as a child over ten at the time of the treaty of Tah-pa-nan-che-hubbee; location of residence at date of treaty, Section 16, Township 4, Range 12 East; residence of five years-dispossessed four years from treaty; disposition of land-awarded by Government; signification of intention to become citizens proved; judgment-state selection; K- thirty-three cases fully adjudicated by Commissioners Tyler, Gaines and Rush 31 May, 1845.

By reference to the same record, page 634, Commissioners' No. 563, office No. 121, the claim of these claimants is found in a list of cases allowed by the Choctaw Commissioners but rejected by the Secretary of War, September 30, 1854.

- Q You say that Sam Simpson had a son named William? A Yes.
- Q William Simpson, in his testimony before the Commission at Meridian, Mississippi, on April 1, 1901, testified that his grandfather's name--that is, Sam's father was named Fil-i-ku-chie? A Young folks call him Fil-i-ku-chie but his Indian name Tan-e-chubbee.
- Q You are sure that Tan-e-chubbee is his right name? A Yes, I know him good.
- Q Is William Simpson married? A Yes, but his wife died.
- Q Do you know the names of any of his children? A I don't know his children--I just know himself.
- Q Did you know his wife's daddy? A His wife's daddy not a full blood Indian.
- Q Did you know his wife's mammy? A No sir, I don't know it.
- Q Did Sam have any sisters? A Yes.
- Q What are their names? A English name oldest one Sookie.
- Q What is the English name of the other one? A Margaret.

Reference is made to Mississippi Choctaw cases 1943, Sookie Simpson, and M.C.R. 1839, Margaret Simpson, who is now the wife of Wiggin Shoemaker, M.C.R. 1839.

- Q Are there any others of Sam's family that you know? A That's all I know--two sisters and William.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 8th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 15th day of July, 1902, at Muskogee, Indian Territory.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Sam Simpson  
for identification as a Mississippi Choctaw,

M.C.R. 1125

-----D E C I S I O N -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on December 18, 1900, by Sam Simpson for himself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that this applicant is a full blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902 (32 Stats. 641) and ratified by the Choctaw and Chickasaw

Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sam Simpson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

APR 23 1904

COPY.

M.C.R. 1125

Muskogee, Indian Territory, April 22, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find copy of the decision of the Commission rendered April 22, 1903, identifying Sam Simpson, as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sam Simpson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

James Dixby,  
Chairman.

Registered.  
Enclosure. 1125.

M.C.R. 1125

COPY.

Muskogee, Indian Territory, May 6, 1903.

Sam Simpson,

Armore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory before October 22, 1903, you will have six months from that date, or until April 22, 1904, within which to make proof of such removal and settlement, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*James Bixby.*  
Chairman.

Registered

Enc. 1125

COPY.

M.O.R. 1125

Muskogee, Indian Territory, April 22, 1903.

Mansfield, McFurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find copy of the decision of the Commission rendered April 22, 1903, identifying Sam Simpson, as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (38 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sam Simpson as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

James Birby,  
Chairman.

Registered.  
Enclosure.1125

M.C.R. 1123

COPY.

Muskogee, Indian Territory, May 6, 1903.

Sam Simpson,

Aradere, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Choickasaw country, Indian Territory before October 22, 1903, you will have six months from that date, or until April 22, 1904, within which to make proof of such removal and settlement, at the office of the Commission at Ada, Choctaw Nation, or Tishomingo, Choickasaw Nation.

Respectfully,

CHIEF

*Tamie Bixby.*

Chairman.

Registered

Enc. 1123

No. 1125

For Identification as a Mississippi Choctaw.

Date **DEC 18 1900**

Name *Sam Simpson*

Age *55*

Blood  *$\frac{3}{4}$  Choctaw*

Post Office, *Nickory, Miss.*

Father: *Jim Simpson Dead*

Mother: *Liza Simpson Living*

Claims through *both father and mother*

Wife: *None*

Children:

Stenographer

*Frances Brown.*



*Sam Simpson*  
IDENTIFIED

RECEIVED RENDERED APR 22 1903

COPIES OF DECISION FORWARDED  
TO FORKWAYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

APR 24 1903

COPIES OF DECISION FORWARDED APPLICANT

MAY 6 1903

Go  
Birmingham G. T. April 19, '03

Choc. mcr 1126 Jennie mobus

mcr 1126

*Jennie Mabus et al*

REFUSED

DECISION RENDERED. JUL 16 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 16 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 16 1902

RECORD FORWARDED DEPARTMENT.

JUL 16 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 16 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

AUG 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

AUG 25 1902

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jennie Mabus  
et al., for identification as Mississippi Choctaws. H.C.R. 1126.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above entitled case.

Original application of Jennie Mabus, et  
al., to the Dawes Commission for identi-  
fication as Mississippi Choctaws.....1  
Written petition of Jennie Mabus.....3  
Affidavit of J. M. Shumaker.....6  
Affidavit of J. T. Hall.....7  
Affidavit of J. B. Mitchell.....8  
Affidavit of Rena Bridges.....10  
Testimony of William H. Williams.....12  
Testimony of Annie I. Bridges.....13  
Affidavit of birth of Cramer A. Mabus.....17  
Decision of the Commission denying the  
application of Jennie Mabus, et al., for  
identification as Mississippi Choctaws.....18.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Identification as a  
Mississippi Choctaw, of Jennie Mabus.

Jennie Mabus, being first duly sworn by Acting Chairman  
Bixby, testified as follows:

My. Mr. Bixby:

- Q What is your name? A Jennie Mabus.  
Q What is your age? A 38 years.  
Q What is your postoffice address? A Ackerman, Mississippi.  
Q Do you live at or near Ackerman? A Yes sir.  
Q How long have you lived in Mississippi? A All my life.  
Q Were you born in Mississippi? A Yes sir.  
Q And you have lived here ever since your birth? A Yes sir.  
Q What is your father's name? A Aaron Moore.  
Q Is he living? A No sir.  
Q Was he white or Choctaw Indian? A Choctaw.  
Q Full blood Choctaw? A No sir.  
Q What proportion Choctaw blood did he have? A He was 1/4 blood.  
Q What was the other 3/4? White? A Yes sir.  
Q What is your mother's name? A Rena Bridges.  
Q Is she living? A Yes-sir.  
Q Is she a white woman or Indian? A White woman.  
Q You claim your Choctaw blood through your father? A Yes sir.  
Q What is the name of your Indian ancestor of your father? A As  
far back as I can tell, my grandfather, Aaron Moore Sr.  
Q He was a Choctaw Indian was he? A Yes sir.  
Q How much Choctaw Indian was he? A He was half, I have been told.  
Q How much Choctaw Indian blood do you claim? A 1/8.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in  
the Indian Territory? A No, not that I know of.  
Q Did you ever make application to the Choctaw tribal authorities  
in the Indian Territory for citizenship in the Choctaw nation? A  
No sir.  
Q Did you, or did anyone in your behalf, make application in 1896 to  
the Commission to the Five Civilized Tribes for citizenship in the  
Choctaw Nation in the Indian Territory under the act of Congress of  
June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by  
a judgment of the United States court in the Indian Territory, on  
appeal from the decision of the Choctaw tribal authorities, or the  
decision of this Commission? A No sir.  
Q Have you ever prior to this time, made application to either the  
tribal authorities of the Choctaw Nation in the Indian Territory,  
or to the authorities of the United States for citizenship or en-  
rollment as a Choctaw Indian? A No sir.  
Q Is it now your intention to make application for identification as  
a Mississippi Choctaw? A Yes sir.  
Q Do you claim as beneficiary under the provisions of the 14th article  
of the treaty of 1830? A Yes sir.  
Q What is the name of your ancestor who was a resident of the state  
of Mississippi and a recognized member of the Choctaw tribe of In-  
dians in Mississippi in 1830, at the time when the treaty was en-  
tered into between the United States and the Choctaws?  
A Aaron Moore.  
Q Have you any evidence showing that you are a direct lineal de-  
scendant of Aaron Moore? A Yes sir.  
Q What is the nature of that evidence? Is it documentary? A Yes, I  
suppose so.  
Q Are you prepared to offer it in evidence now? A Yes sir.

Affidavits of J. M. Shumaker, J. T. Hall, Ben Mit-  
chell and Rena Bridges, and petition of applicant  
offered in evidence, filed and made a part of this  
record.

2-Jennie Mabus.

- Q Did Aaron Moore signify to the United States Indian Agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, his intention to remain and become a citizen of the United States? A Yes sir.
- Q What evidence have you to substantiate that statement? A I had an uncle that went to the Territory, and I couldn't tell just exactly where he was from; I was very small, and the others staid here, and I don't know only just from what I have always been told that I was Injun blood from my forefathers.
- Q All you know about this matter is what you have been told? A Yes.
- Q You do not possess any documentary evidence to substantiate the claim or statement that Aaron Moore did signify his intention in 1830 to remain here and become a citizen of the United States, have you? A No, I don't think I have anything.
- Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband a white man? A Yes sir.
- Q Have you any children? A Two.
- Q Are they under 21 years of age and unmarried? A Yes sir.
- Q Are you making any claim in their behalf? A Yes sir.
- Q What is the name of your husband? A J. R. Mabus, Jr.
- Q What are the names and ages of your children? A Esther 12 years, Offie, 6 years.
- Q Do these children live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make at this time in support of this application? A No sir.
- Q Have you any additional documentary evidence which you desire to offer at this time in support of this application? A No sir.

Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision, a copy of which will be furnished you mailed to your present postoffice address.

-----

Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 5th day of January, 1900.

*John G. Huber*

Notary Public.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm  
C. W.

In the matter of the application of Jennie Mabus  
et al., for identification as Mississippi Choctaws. H.C.R. 1186.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jennie Mabus for herself and her three minor children, Esther, Effie, and Graner A. Mabus, under the following provision of the act of Congress approved June 25, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September



(W) 4  
(2).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Aaron Moore, who is alleged to have been a halfblood Cheetaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).


It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Aaron Moore signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 512).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

(3)

Jennie Mabus, Esther Mabus, Offie Mabus and Cramer A. Mabus, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article Fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
ACTING CHAIRMAN.

  
\_\_\_\_\_  
COMMISSIONER.

  
\_\_\_\_\_  
COMMISSIONER.

Muskogee, Indian Territory,

JUL 16 1902

COPY.

M.C.R. 1126.

Mustang, Indian Territory, July 16, 1902.

Jennie Mabus,

Askerman, Mississippi,

Dear Madam:

You are hereby advised that on the 15th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Mabus, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Mabus, Esther Mabus, Effie Mabus and Gomer A. Mabus, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date  
deputed its record in this case to the Secretary of the Secretary  
for review, and you will be advised as soon as of such action as  
may be taken by him.

Yours truly,

(SIGNED).

*Tams Birby.*

Registered.

Acting Secretary.

COPY.

M.C.B 1125,

Muskogee, Indian Territory, July 16, 1902.

Mansfield, McMurray & Gernish,

Attorneys for Choctaw & Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jennie Mabus, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jennie Mabus, Bethay Mabus, Offie Mabus and Granger A. Mabus, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tams Bixby.*

Acting Chairman.



COPY.

M.C.R. 1124.

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jennie Mabus, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16th, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

SIGNED

Through the Commissioner  
of Indian Affairs.  
1 inclosure.

*James Bixby.*

Acting Chairman.



C O P Y .

Land.  
42746—1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, August 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 16, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Jennie Mabus, for the identification of herself and minor children, Esther, Offer and Cramer A. Mabus as Mississippi Choctaws.

The applicants claim descent through Aaron Moore, Jr., to Aaron Moore, Sr., who were, they believe, Mississippi Choctaws. Their names, however, cannot be found in the records of this office as persons who received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing to identify them, be affirmed.

Very respectfully,  
Your obedient servant,

A. C. TORNER,

Acting Commissioner.

WCV  
D

3 Enclosures.

D.C. 13536-1902.

49291

HAF

ITE. 4797-1902.

L.R.S.

DEPARTMENT OF THE INTERIOR.

Washington.

August 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the record in the matter of the application for identification as Mississippi Choctaws, of Jennie Mabus and her three minor children, Esther, Offie and Frank A. Mabus. The record, including your decision denying the application, was transmitted with your letter of July 16, 1902.

The applicants attempt to trace their Choctaw descent from one Aaron Moore, alleged to have been a half-blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that said Moore ever complied or attempted to comply with the provisions of article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded the papers August 3, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After a careful review of the whole case the Department  
affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary,  
DeL

1 inclosure

COPY.

H.C.R. 1126

Muskogee, Indian Territory, August 25, 1902.

Jennie Mabus,

Ackerman, Mississippi.

Dear Madam:

You are hereby advised that on the 16th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Jennie Mabus, et al., of which decision you were duly advised by registered mail on the 16th day of July, 1902.

Yours truly,

*Tame Dixey.*

Acting Chairman.

COPY.

H.C.R. 1126

Muskogee, Indian Territory, August 25, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Jennie Mabus, et al., of which decision you were duly advised by mail on the 16th day of July, 1902.

Yours truly,

*Tame Dixie*

Acting Chairman.

1126  
FOR IDENTIFICATION AS  
MISSISSIPPI CHOCOLATE

*William M. M. Etal*  
*M.R. 1126*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, January 21, 1902.

In the matter of the application of Jennie Mabus, et al.,  
for identification as Mississippi Choctaws, Mississippi Choctaw  
Card, Field Number 1126.

**APPEARANCES:**

The applicants appear by their attorney, J.E. Arnold,  
there being no appearance by either the Choctaw or the  
Chickasaw Nation.

William H. Williams, having been first duly sworn as a witness  
in behalf of the above named applicants, upon his oath testified  
as follows:

Examination by the Commission.

- Q What is your name? A William H. Williams.  
Q How old are you Mr. Williams? A Sixty three.  
Q What is your post office address? A Mabus, Mississippi.  
Q What county? A Choctaw County, Mississippi.  
Q How long have you lived in Choctaw County, Mississippi? A Well,  
sir, I was born and raised in Choctaw County, and lived there all  
my life with the exception of a year or such a matter.  
Q What is your occupation? A Farming.  
Q Are you acquainted with the applicant, Jennie Mabus? A Yes, sir.  
Q How long have you known her? A All her life.  
Q Are you any relation to her? A Yes, sir.  
Q What relation? A Second cousin.  
Q Are you interested in any way in the result of her application?  
A No, sir.  
Q Is the Jennie Mabus who lives in Choctaw County, the identical  
Jennie Mabus who appeared before the Commission at Hattiesburg,  
Mississippi in December 1900, and made application for the identifi-  
cation of herself and two minor children as Mississippi Choctaws?  
A I suppose she was, for I understand she was there.  
Q What are the names of her children? A Esther and one of them,  
Offie, and Cramer.  
Q How old is Cramer? A He is about three months old.

Statement by J.E. Arnold:

I expect to prove by Mr. Williams that he is acquainted  
with the applicant, Jennie Mabus, and is also acquainted  
with her father, Aaron Moore, and that he was a Choctaw  
Indian, and that he knew that Aaron Moore and the mother  
Mrs. Mabus were married and lived together as man and wife.  
The witness knows nothing as to whether any of the ances-  
tors of Jennie Mabus ever complied or attempted to comply  
with the provisions of article 14 of the treaty of Dancing  
Rabbit Creek, or ever received any benefits thereunder.

- Q Has Jennie Mabus any Choctaw blood? A Well, I don't know; I sup-  
pose so from -- I would suppose she has.



Jennie Mabus, et al., 2.

Q What makes you think so? A I thought so because we -- on account of her father, you know, having Indian blood in him, as was thought, talked, etc.

Q Do you know whether her father had Indian blood or not? A No, sir, that's only hearsay; of course, I knew that he looked like he did; he looked like he might have a part.

Q Do you know how much Choctaw blood he had? A No, sir.

Q Or what kind of Indian blood he had? A Choctaw Indian blood I think.

Q You are sure it was Choctaw, are you? A I only knew from what I heard people talk.

Q Where did he live during his life time? A In Neshoba all the time I knew him.

Q Neshoba County, Mississippi? A Yes, sir.

Q How long has he been dead? A Well, I couldn't answer that question exactly.

Q About how long? A Somewhere's about thirty years.

Q About how old a man was he when he died? A Well, I was going to say about forty years old.

Q Did you know his father and mother? A Well, no, sir, I couldn't say that I did; I lived forty miles away from them people and only heard them spoken of.

Q Did you ever see either of them? A I seems to me I did; no, sir, I couldn't say that I did.

Q Were either of them Choctaw Indians? A It is said they were.

Q Which one? A Aaron Moore. Aa

Q Aaron's father? A His name was Aaron too.

Q You don't know whether he was a Choctaw or not? A No, sir, I only heard it talked and spoken of; I didn't know him.

Q What's the name of the mother of Jennie Mabus? A Well, her name was -- we called her Rena; Annie Irene Bridges.

Q Has she any Choctaw blood? A No, sir, not that I know of.

Q Do you know whether she and Aaron Moore, the father of Jennie Mabus, were lawfully married? A Yes, sir, that's my understanding.

Q Did you see them married? A Not sir, I did not. I only heard of it and then visited them afterwards.

Q How long did they live together as man and wife? Do you know?

A Well, no, sir, that's another question I couldn't answer, hardly.

Q About how long? A About one year and ten months; I couldn't remember, up until the time he died.

Q Where did he live during his life time? A In Neshoba County.

Q How far from you? A About forty miles.

Q Do you know whether any of the ancestors of Jennie Mabus ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No, sir.

(This witness is a white man of average intelligence.)

(Witness excused.)

Mrs. Annie I. Bridges, having been first duly sworn as a witness in behalf of the above named applicants, upon her oath testified as follows:

Examination by the Commission.

Jennie Mabus, et al., 3.

Q What is your name? A Annie I. Bridges.

Q How old are you, Mrs. Bridges? A Sixty two.

Q What's your post office address? A Mabus, Choctaw County, Mississippi.

Q How long have you lived in Choctaw County, Mississippi? A Seventeen years.

Q Where did you live before that? A In Neshoba County.

Q How long did you live there? A I reckon about forty four years. Well, not forty four years, take off the seventeen; its been about twenty five years, I reckon.

Q Where did you live before that - before you went to Neshoba County? A I was born in Winston County.

Q Are you an applicant before this commission for identification as a Mississippi Choctaw? A No, sir.

Q You have no Choctaw blood? A No, sir. None that I know of; if there is I don't know it.

Q Are you acquainted with the applicant, Jennie Mabus? A Yes, sir.

Q What relation is she to you? A My daughter.

Statement by J.E. Arnold:

We expect to prove by Mrs. Bridges that she is acquainted with the applicant, Mrs. Mabus, and that she and the applicant's father ~~and mother~~ were lawfully married, and that she knows him to be part Choctaw Indian. She does not know whether any of the ancestors of the applicant ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder.

By Commission:

Q What was the name of the father of Jennie Mabus? A Aaron Moore.

Q When were you married to him? A In 1861.

Q Where? A In Neshoba County, Mississippi.

Q Were you married under a license? A Yes, sir.

Q Where was that license procured? A Philadelphia, Neshoba County.

Q Who married you? A A preacher by the name of Gentry.

Q Have you your marriage license and certificate with you at this time? A No, sir.

Q Do you know what became of it? A That's more than I can tell you.

Q How long did you an Aaron Moore live together as man and wife? A One year and ten months; he died a year and ten months after I married him.

Q You had just the one child, Jennie Mabus? A Yes, sir.

Q Did Aaron Moore have any Choctaw blood? A Well, to my best knowledge, I reckon he did.

Q Do you know how much? A About one fourth I reckon.

Q Did he speak or understand the Choctaw language? A I can't tell you about that.

Q Did he live in Neshoba County all his life? A No, sir, he came from Alabama there. He had some trouble with his speech; he had a rising in his throat when he was a child, and it injured his speech, but I couldn't tell; he could talk very well, but he had broken talk; that might have been some of the Indian in him that caused his broken talk, or both together. He had a rising and couldn't talk very plain.

Jennie Mabus, et al., 4.

Q Where was he born? A In Alabama, I suppose.

Q Do you know what place? A No, sir.

Q How did you find out that he had Choctaw blood? A Well, I just heard them speak of it.

Q Him? A He and his connection.

Q Were you acquainted with his father and mother? A I wasn't acquainted with his mother; I saw his father.

Q Did his father have any Indian blood? A Well, as much as he did, I reckon.

Q Did his father speak or understand the Choctaw language? A I couldn't say about that.

Q What was his name? A Aaron.

Q The same as your husband? A Yes, sir.

Q Where did he live during his life time - your husband's father?

A I don't know about that only the family came from Alabama; I got acquainted with them after they settled in Neshoba County.

Q You never knew anything about them before that? A No, sir, they went to Neshoba before I did.

Q Do you know the name of the father or the mother of your husband's father, Aaron Moore? A No, sir.

Q Did he have a Choctaw name? A I don't know as he did; if he did, I don't know it; I didn't know nothing about Aaron; that's a Bible name.

Q

By J.E. Arnold:

Please state, Mrs. Bridges, whether the County records of Neshoba County, covering the period of time during which your marriage occurred, have been burned? A Yes, sir. The Court House has been burned since I was married and the records destroyed.

By Commission:

Do you know of any one living now who was present at your marriage?

A Yes, sir, a good many, I reckon.

Q Give us the names of some of them? A I got it in my head that he was present a while ago, but he may have a better recollection than I have.

Q Do you know of any one else who was there? A Yes, sir, I have sisters that was there.

Q What are their names? A Harriett Shumaker.

Q Where does she live? A She lives with me in Choctaw County.

Q Another one? A Mrs. Sallie Shumaker; she lives in Choctaw County, too.

Q What are their post office addresses? A Sister Sallie's is Chester, and her's is Mabus.

Q Were any one else there? A Now, don't call on me to tell who was there; it was too long ago; I was just giving some of my connections who were there; we had a big wedding then; that's too long ago.

Q When was this fire that burned the Court House at Philadelphia? A During the war; about the close of the war; I think that's when it was; I wouldn't swear that's when it was.

Q Do you know whether any of the ancestors of your husband, Aaron Mabus, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q What are the names of the children of your daughter, Jennie? A Esther, Offie and Cramer.

Q Cramer was born since your daughter appeared before the Commission at Hattiesburg in 1900? A Yes, sir.

Q When was he born? A About three months ago.

Jennie Mabun, et al., 5.

(This witness is a white woman of more than average intelligence)

By Commission:

This is all the evidence offered in this case to-day.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of January, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 27th day of January, 1902.

*L. B. Massey*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By

*[Signature]*

Deputy.



Muskogee, Indian Territory, January 24, 1902.

J. B. Arnold,

Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty first instant, inclosing evidence of the birth of Gramer A. Mabus, infant son of Jennie and J. A. Mabus, born October 29, 1901. The affidavits of the mother and the nurse at the birth of the child have been accepted as evidence of its birth, and the same will be filed with and made a part of the original application of Jennie Mabus for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 7, 1903.

Jennie Mabus,  
Ackerman, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 22, 1903, in which you ask for a copy of the testimony given in support of your application for identification as a Mississippi Choctaw.

In compliance with your request there is herewith enclosed one copy of the testimony given by yourself and witnesses in support of your claim.

Respectfully,

Commissioner in Charge.

Date DEC 18 1900

Name Jennie Mabus

Age 38

Blood 1/8 Choctaw.

Post Office Ackermans, Miss.

Father: Aaron Moore dead

Mother: Rena Bridges, living

Claims through father.

Husband: J. R. Mabus Jr

Children:

1. Esther Mabus

12 yrs old

2. Offie "

6 " "

Stenographer  
Frances Brown



Choc mcr 1127 malachi K. Gilder

see mcr 1573-1593-1925-1926

mcr 1592 & 1594 are supplemental

mcr 1127

*Malachi K. Gilder et al*

**REFUSED**

**DECISION RENDERED. JUL 12 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**JUL 12 1902**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUL 14 1902**

**RECORD FORWARDED DEPARTMENT.**

**JUL 14 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**SEP 15 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**SEP 27 1902**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**SEP 27 1902**

**REFER TO M. C. R.**

**1573-1593-1925-1926**

*mcp 15924/594 are supplemental*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for identification as a Mississippi Cheetaw of Malichi K. Gilder, and in the matter of his application on behalf of his wife Lulu as an intermarried Mississippi Cheetaw.

Malichi K. Gilder, having been first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Malichi K. Gilder.
- Q What is your age? A 72 years.
- Q What is your postoffice address? A Atlanta, Mississippi.
- Q Do you live at or near Atlanta? A Yes, I live within a mile and three-quarters of Atlanta.
- Q How long have you lived there? A I have lived there about 54 or 55 years.
- Q Were you born in Mississippi? A No, I was born in Alabama.
- Q What was your father's name? A My father's name was Benjamin Celpepper Gilder.
- Q Is he living? A No sir.
- Q When did he die? A In 1840.
- Q Was he a Cheetaw Indian? A No sir.
- Q What is your mother's name? A Letitia B. Gilder.
- Q Is she living? A No sir.
- Q When did she die? A In '86.
- Q Was she a Cheetaw Indian? A No, she was a descendent of a Cheetaw Indian; through my mother I claim the blood.
- Q How much Cheetaw Indian was your mother? A She was 1/4 or 1/8; about 1/8 I reckon.
- Q What proportion of Cheetaw blood do you claim to have? A I don't know; about 1/8 or 1/16.
- Q If your mother was 1/8, you could not be 1/8? A I don't know; about 1/16.
- Q What is the name of your mother's father? A William Seddis.
- Q Was he a Cheetaw Indian? A No, it was through her mother.
- Q What is your mother's mother's name? A Letitia Smith.
- Q Was your mother living in 1830? A Yes sir.
- Q Was Letitia Smith living in 1830? A Yes sir.
- Q I understand you to say you claim through Letitia Smith? A Yes.
- Q Is your name on any of the Cheetaw tribal rolls of the Cheetaw Nation? A No sir.
- Q Did you ever make application to the tribal authorities in Indian Territory for citizenship? A No sir.
- Q Did you or did anyone in your behalf, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Cheetaw Nation in the Indian Territory under the act of Congress of June 10, 1896? A No sir.
- Q Have you been admitted to citizenship in the Cheetaw Nation by a judgment of the United States court for the Indian Territory, on appeal from the decision of the Cheetaw tribal authorities or the decision of this Commission? A No sir.
- Q Have you ever prior to this time, made application to either the authorities of the Cheetaw Nation or the authorities of the United States, for enrollment as a Cheetaw Indian? A No sir.
- Q Is it now your intention to make application for identification as a Mississippi Cheetaw? A Yes sir.
- Q Do you claim as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.
- Q Was Letitia Smith the name of your ancestor who was a resident of the state of Mississippi, and a recognized citizen thereof of the Cheetaw tribe of Indians in 1830, at the time when the treaty was entered into between the United States and the Cheetaw Indians?

2-Malichi K. Gilder.

A She lived in Alabama at that date; just over the line.

Q Did your mother live in Mississippi or Alabama. A She lived in Mississippi.

Q Was your mother a recognized member of the Choctaw tribe of Indians in 1830? A She was not recognized as I know of. I have no knowledge of there being a record to that effect.

Q Have you any evidence to show your direct lineal descent from Letitia Smith? A Yes, I have a witness here to testify to that effect.

Q Your mother's name was Letitia too? A Yes sir.

Q Both your mother and grandmother's names were Letitia? A Yes.

Q Did either one of these Letitias signify to the United States Indian agent of the Choctaw Indians in Mississippi, within six months after the ratification of the treaty of 1830, her intention to remain and become a citizen of the United States? A No, not that I have any recollection. I have no record to that effect. I have been told that the commission requested them to do so, but they have never done it.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under the 14th article of the treaty of 1830? A Not that I have any knowledge of.

Q Are you married? A Yes sir.

Q Are you making any claim on behalf of your wife? A Yes, I claim for her.

Q Is she a white woman? A Yes sir.

Q Do you claim your wife is a Choctaw Indian? A No.

Q She is a white woman is she? A Yes sir.

Q How do you claim for her? A Intermarriage.

Q You claim she is a Mississippi Choctaw by intermarriage? A Yes.

Q What is her name? A Her name is Lulu.

Q How old is she? A About 68 years.

Q What is her father's name? A I don't recollect her father's name. His name was Lauflin.

Q Is he living or dead? A Dead.

Q What is her mother's name? A I don't know; she is dead.

Q Have you any children under 21 years of age and unmarried? A No, my children are all of age and married, but one.

Q Is there any additional statement that you desire to make in support of this application? A Not that I know of, except the statement of this witness.

Q Is there any documentary evidence that you desire to introduce?

A Yes sir.

Q Have you it with you? A Yes sir.

-----o-----

Thaddeus Gilderson, having been first duly sworn by Acting Chairman Bixby, testified as follows:

Q What is your name? A Thaddeus Gilderson.

Q How old are you? A A little over eighty.

Q Where do you live? A Choctaw county, Ala.

Examination by Mr. Gilder.

Q Will you please state what you know about my descent from my grandmother, Letitia Smith? A I was acquainted with the family Seddus all my life very near; my oldest brother married into the family Seddus; married one of the daughters which was Letitia Seddus. The old lady Seddus--I don't remember her name, I believe it was Letitia Smith; that was my recollection, and I heard my nephew make the same remark here today. That was my brother's wife's mother. It was always reported in the neighborhood I have lived in that she was part Indian; to the extent of that lineage I never knew much about it. I know she was part Indian and I knew the Choctaw Indian formerly came over into that country and visited with the family.

3-Malehili K. Gilder.

By Mr. Bixby:

- Q Do you know anything about whether Letitia Smith signified to the United States Indian agent of the Choctaw Indians in Mississippi, at any time within six months after the ratification of the treaty of 1830, her intention to remain and become a citizen of the United States? A No sir.
- Q Do you know whether she ever claimed or received any land in Mississippi as a beneficiary under the 14th article of the treaty of 1830? A No sir.
- Q You have now stated all you knew about this matter? A I know a good deal about the family and what is known and thought in that neighborhood. That is all.

By Mr. Bixby: Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision, and a copy of the same will be mailed to you at your present post-office address.

-----o-----

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said day.

*Frances R. Brown*

Subscribed and sworn to before me this 8th day of January, 1901.

*John H. Fieber*

Notary Public.

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Malichi K. Gilder,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Malichi K. Gilder, et al.,	M C R 1187
Early A. Gilder, et al.,	M C R 1873
Alfred M. Gilder, et al.,	M C R 1893
Ballie A. L. McCullough, et al.,	M C R 1928
Effie G. Gilder,	M C R 1936

List of papers forwarded to the Secretary of the Interior  
with the record in the above case, together  
with the page occupied by each  
in said record.

Original application of Malichi K. Gilder, et al., for identification as Mississippi Choctaws.	Page. 1
Original application of Early A. Gilder, et al., for identification as Mississippi Choctaws.	4
Affidavit of Thadens Gilder.	8
Affidavit of T. J. Dewdy.	11
Affidavit of A. T. Walton.	13
Affidavit of M. K. Gilder.	13
Affidavit of M. H. Duke.	15
Certificates of F. A. Connerall.	17
Certified copy of the marriage record between M. A. Gilder and Bettie Harrell.	18
Original application of Alfred M. Gilder, et al., for identification as Mississippi Choctaws.	19
Certified copy of affidavit of Thadens Gilder.	23

Certified copy of affidavit of T. J. Dowdy.	23
Certified copy of affidavit of A. F. Walton.	24
Certified copy of affidavit of M. K. Gilder.	27
Certified copy of affidavit of M. H. Duke.	29
Certificate of J. A. Summerall.	30
Certified copy of marriage record between A. H. Gilder and Miss S. B. Mesley.	31
Certified copy of marriage record between A. H. Gilder and M. C. Inman.	32
Original application of Sallie A. L. McCullough, et al., for identification as Mississippi Choctaws.	33
Copy of affidavit of M. K. Gilder.	36
Copy of affidavit of M. H. Duke.	37
Copy of affidavit of T. J. Dowdy.	39
Copy of affidavit of A. F. Walton.	40
Copy of Affidavit of T. Gilder.	42
Copy of affidavit of M. H. Duke.	43
Exparte affidavit of B. W. Duke.	44
Certified copy of affidavit of Thadous Gilder.	45
Certified copy of affidavit of T. J. Dowdy.	47
Certified copy of affidavit of A. F. Walton.	48
Certified copy of affidavit of M. K. Gilder.	49
Certified copy of affidavit of M. H. Duke.	50
Certified copy of marriage record between S. A. Gilder and J. A. McCullough.	52
Original application of Willie G. Gilder for identification as a Mississippi Choctaw.	53
Certified copy of affidavit of Thadous Gilder.	54
Certified copy of affidavit of T. J. Dowdy.	55
Certified copy of affidavit of A. F. Walton.	57



Certified copy of affidavit of M. K. Gilder.	60
Certified copy of affidavit of H. H. Duke.	61
Ex parte affidavit of H. H. Duke.	62
Ex parte affidavit of B. W. Duke.	63
Final decision of the Commission in the consolidated case of Malichi K. Gilder, et al., applicants for identification as Mississippi Choctaws, denying such application.	64

JRB  
(C. v. W.)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malichi K. Gilder,  
et al., for identification as Mississippi Ghosts, consolidating  
the applications of

Malichi K. Gilder, et al.,  
Early A. Gilder, et al.,  
Alfred H. Gilder, et al.,  
Sallie A. L. McCullough, et al.,  
Effie G. Gilder,

M C R 1127  
M C R 1173  
M C R 1505  
M C R 1928  
M C R 1926

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Ghosts were made to this Commission  
by Malichi K. Gilder for himself; by Early A. Gilder for himself  
and his minor child, William Harrell Gilder; by Alfred H. Gilder  
for himself and his six minor children, Robert H., Oscar K.,  
Carrie A., Sally V., Rivers H. and Clinton H. Gilder; by Sallie  
A. L. McCullough for herself and her four minor children, Earl,  
Lepha, Sam and Lula McCullough; and by Effie G. Gilder for herself;  
and that applications for identification as Mississippi Ghosts  
by intermarriage were made to this Commission by Malichi K. Gilder  
for his wife, Lula Gilder; by Early A. Gilder for his wife, Bettie  
Gilder; by Alfred H. Gilder for his wife, Sally Gilder; and by

Ballie A. L. McCullough for her husband, J. A. McCullough, under the following provisions of the act of Congress approved June 23, 1898, (30 Stat., 498):

"Said Commission shall have authority to determine the identity of choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Smith (other name not given), who is alleged to have been a full blood Choctaw woman.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321.)

From the records in the possession of the Commission it is found that the name of one Smith appears on page 221 of Volume I, Court of Claims Record, Choctaw Nation vs. United States, as the child under ten years of age of Yanachi, whose claim under the provisions of the fourteenth article of the treaty of eighteen

hundred and thirty was approved and allowed, and it is further found that the name of one Smith appears on page 608 of said Volume I, as the child under ten years of age of To-hah-ha-tah, to whom scrip was issued under the provisions of said article of said treaty. It is not shown by said records or by the evidence offered by the several applicants herein that a relationship exists between them and the said Smiths, or either of them, whose names appear as before stated in said record.

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the Smith who is alleged to be the common ancestor of the applicants herein, or a less remote ancestor of any of said applicants, or any of said applicants, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1867, (15 Stat., 100), and August 22, 1848, (9 Stat., 515).

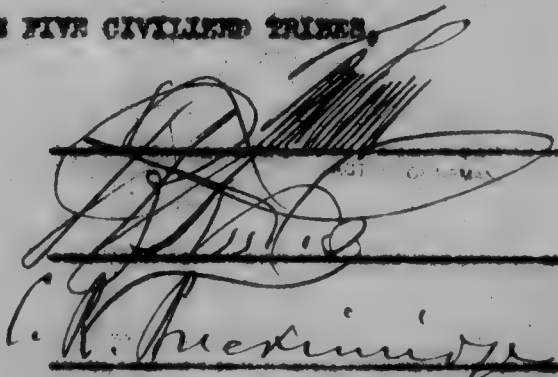
It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Malichi K. Gilder, Early A. Gilder, William Harrell Gilder, Alfred K. Gilder, Robert K. Gilder, Oscar K. Gilder, Carrie A. Gilder, Sally Y. Gilder, Rivers K. Gilder, Clinton K. Gilder, Sallie A. K.

4.

McCullough, Earl McCullough, Nephe McCullough, Sam McCullough, Iula McCullough and Effie A. Gilders as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Cheetaw by intermarriage, and that the application made by Malichi K. Gilder for his wife, Iula Gilder, by Earl A. Gilder for his wife, Bettie Gilder, by Alfred K. Gilder for his wife, Sally Gilder, and by Sallie A. L. McCullough for her husband, J. A. McCullough, in each case for identification as a Mississippi Cheetaw by intermarriage, should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



C. R. McKim

Muskogee, Indian Territory.

Commissioners.

JUL 12 1902

# CHOCTAW ROLL.

(NOT INCLUDING FREEDMEN.)

## MENT OF PARENTS

NAME OF MOTHER

YEAR

COUNTY

REMARKS

DAVIS  
ROLL NO.

REFER TO M. C. R. 1127

Malicki H. Gilder Ave

Consolidated Case

— Smith, white,  
married  
full blood Choctaw woman

Parents of  
Letitia Smith  
married  
William Tidds or  
Tuddath

Letitia B Tidds or wife  
Tuddath  
married  
Benjamin Coeppper Elder  
Died

mlb R  
11/27  
Malichi K Elder 72 1/6 or 1/8  
wife  
1<sup>st</sup> Angeline Elder  
2<sup>d</sup> Lula Elder  
Claims for wife

mlb R  
19/25  
Charlie A. L. Elder 49 1/6  
married  
J. A. McCallough w  
Claims for husband  
mlb R  
19/25  
Karl McCallough 20  
" Zepha McCallough 17  
" Sam McCallough 14  
" Lula McCallough 12

mlb R  
15/93  
Alfred H Elder 42 1/8  
wife  
1<sup>st</sup> Mary Elder  
2<sup>d</sup> Sally Elder  
Claims for wife  
mlb R  
15/93  
Robert E Elder 17  
" Oscar K. Elder 16  
" Carrie A. Elder 14  
" Sally V. Elder 12  
" Rivers R. Elder 9  
" Clinton H. Elder 12

mlb R  
15/93  
Early A. Elder 31 1/2  
wife  
Betty Elder  
Claims for wife  
mlb R  
15/93  
William Harrel Elder 3

mlb R  
19/26  
Effie S. Elder 27 1/6



Muskogee, Indian Territory, February 27, 1901.

E. A. Gilder,

Pineba, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant in which you state that at the Commission's session at Hattiesburg, Mississippi, in December, 1900, your father, M. K. Gilder, together with his uncle, T. Gilder, appeared before the Commission as applicants for identification as Mississippi Choctaws and were there notified that the Commission's decision as to their applications for identification as Mississippi Choctaws would be sent to them by mail but that up to this time they have had no notice from the Commission as to its action relative to their application.

You now request that such decisions be furnished them by return mail.

Replying to your letter the Commission has to inform you that it appears from our records that at Hattiesburg, Mississippi, on December 18th, 1900, Malachi K. Gilder, 72 years of age, of Atlanta, Mississippi, appeared before the Commission and made application for the identification of himself and his wife Lula Gilder as Mississippi Choctaws.

The Commission has not up to this time rendered any decision relative to the rights of your father and his wife to identification as Mississippi Choctaws but will do so as early as practicable.

1442  
in the near future. When such decision is rendered a copy of the same will be mailed Mr. Gilder at his present postoffice address.

It does not appear from our records that any other party by the name of Gilder has ever made personal application to this Commission for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

M. C. R. 1187

COPY.

M.C.R. 1187.

Muskogee, Indian Territory, July 12, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Malichi K. Gilder, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1908.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Malichi K. Gilder, et al.,	M.C.R. 1187
Early A. Gilder, et al.,	" 1573
Alfred K. Gilder, et al.,	" 1893
Ballie A.L. McCullough, et al.,	" 1925
Effie G. Gilder,	" 1926

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*James Bixby.*  
Acting Chairman.

Through the Commissioner of  
Indian Affairs.  
1 enclosure.

COPY.

M.C.R. 1187.

Waukegon, Indian Territory, July 18, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malichi K. Gilder, et al., embracing the following applications for identification as Mississippi Cheetaws:

Malichi K. Gilder, et al.,	M.C.R. 1187
Barly A. Gilder, et al.,	" 1878
Alfred K. Gilder, et al.,	" 1882
Sallic A.K. McCullough, et al.,	" 1885
Bessie G. Gilder,	" 1886

These applications were made under the provision of the act of Congress of June 25, 1896 (29 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Malichi K. Gilder, Early A. Gilder, William Harrell Gilder, Alfred H. Gilder, Robert E. Gilder, Oscar K. Gilder, Carrie A. Gilder, Sally V. Gilder, Rivers H. Gilder, Clinton H. Gilder, Sallie A.L. McCullough, Karl McCullough, Sophia McCullough, Sam McCullough, Lulu McCullough and Effie G. Gilder as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by Malichi K. Gilder for his wife, Lulu Gilder, by Early A. Gilder for his wife, Bettie Gilder, by Alfred H. Gilder for his wife, Sally Gilder, and by Sallie A.L. McCullough for her husband, J.A. McCullough, in each case for identification as a Mississippi Choctaw by intermarriage, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Jams Bixby.*

Acting Chairman.

COPY.

M.C.R. 1187.

Washoe, Indian Territory, July 15, 1908

Malichi K. Gilder,

Atlanta, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Malichi K. Gilder, et al., embracing the following applications for identification as Mississippi Choctaws:

Malichi K. Gilder, et al.,	M.C.R. 1187
Barly A. Gilder, et al.,	" 1273
Alfred H. Gilder, et al.,	" 1292
Salie A.R. McCallough, et al.,	" 1288
Rifle G. Gilder,	" 1286

These applications were made under the provision of the act of Congress of June 22, 1906 (34 Stat. 195) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteenth of the treaty between the United States and the Choctaw Nation, containing September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



"It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Malichi K. Gilder, Marly A. Gilder, William Harrell Gilder, Alfred H. Gilder, Robert M. Gilder, Oscar K. Gilder, Carrie A. Gilder, Sally V. Gilder, Rivers R. Gilder, Clinton H. Gilder, Sallie A.L. McCullough, Karl McCullough, Zepha McCullough, Sam McCullough, Lulu McCullough and Effie G. Gilder as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by intermarriage, and that the application made by Malichi K. Gilder for his wife, Lulu Gilder, by Marly A. Gilder for his wife, Bettie Gilder, by Alfred H. Gilder for his wife, Sally Gilder, and by Sallie A.L. McCullough for her husband, J.A. McCullough, in each case for identification as a Mississippi Choctaw by intermarriage, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Jame Dixey.*

Acting Chairman.



COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 42363-1902.

Washington, Sept 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 12, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated Mississippi Choctaw case of Malichi K. Gilder, et al., embracing the following named persons who apply for identification as Mississippi Choctaws:

Malichi K. Gilder applies for himself; Early A. Gilder for himself and his minor child William Harrell Gilder; Alfred H. Gilder for himself and his six minor children, Robert H., Oscar E., Carrie A., Sally W., Rivers B., and Clinton H. Gilder; Sallie A. L. McCullough for herself and her four minor children, Karl, Zepha, Sam and Lula McCullough; and by Effie G. Gilder for herself. Applications for identification as Mississippi Choctaws by inter-marriage were made by Malichi K. Gilder for his wife, Lula Gilder; by Early A. Gilder for his wife, Bettie Gilder, by Alfred H. Gilder for his wife, Sally Gilder; and by Sallie A. L. McCullough for her husband, J. A. McCullough.

Applicants claim descent through a family named Gilder to the grandmother of principal applicant, Mrs. Sudduth, nee Smith.

Neither the name Gilder nor Sudduth could be found among the names of those who received or attempted to secure the benefits of the fourteenth article of the treaty of 1830. The name Smith appears in two places, but in each case the Smith mentioned was a child, and was too young to be the grandmother of any of the principal applicants named above.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications for identification as Mississippi Choctaws, be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

WCV  
D

Acting Commissioner.

3 inclosures.

COPY.

D. C. 15424-1902.

55506

EAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5553-1902.  
L. R. S.

September 15, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

July 12, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Malachi Gilder; of Early A. Gilder and minor child, William Harrell Gilder; of Alfred H. Gilder and his minor children, Robert E., Oscar K., Carrie A., Sally V., Rivers R. and Clinton H. Gilder; of Sallie A. L. McCullough and her minor children, Karl, Zepha, Sam and Lula McCullough; and of Effie G. Gilder. Applications for identification as Mississippi Choctaws by inter-marriage were made by Malachi K. Gilder for his wife, Lulu Gilder; by Early A. Gilder for his wife, Bettie Gilder; by Alfred H. Gilder for his wife, Sally Gilder; and by S. A. L. McCullough for her husband, J. A. McCullough.

Applicants attempt to trace their descent from one Smith (other name not given), who is alleged to have been a full blood Choctaw woman.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that the alleged ancestor of the applicants or a less remote ancestor of the applicants ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 ( 5 Stat., 180), and August 23, 1842 ( 5 Stat., 513). On July 12, 1902, you refused the applications as to all of the applicants.

Submitting the papers September 8, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Having thoroughly examined the entire record, the Department affirms your decision.

Respectfully,

Thos. Ryan,

1 inclosures.

Acting Secretary.

R.M.D.

COPY.

M.C.R. 1127.

Muskogee, Indian Territory, September 27, 1902.

Malichi K. Gilder,

Atlanta, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malichi K. Gilder, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

ODP : M.C.R. 1127.

Muskogee, Indian Territory, September 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Malichi K. Gilder, et al., of which decision you were advised by mail on the 12th day of July 1902.

Respectfully,

(SIGNED).

Acting Chairman.

COMMISSIONERS.

HENRY L. DAWES,

TAMM BIXBY,

ARCHIBALD S. MCKENNON,

THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH, *Secretary.*

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.



J. A. McCullough,  
Ardmore, I.T.

MCR 1127 Malachi K. Gilder  
et al.

On December 18, 1900, Malachi K. Gilder appeared before the Commission at Hattiesburg, Miss. and applied for identification for himself and wife; he applied for his wife as an inter-married Mississippian Choctaw. The testimony of Thaddens Gilderson was taken at that time on behalf of the applicant. No action has been taken in this matter as yet.

Atoka, March 26, 1901.

AB

COMMISSIONERS

HENRY L. DAWES,

TAMM BIXBY,

ARCHIBALD S. MCKENNON.

THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH, Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

2201-1901. E.A Gilder,  
Pheba, Miss.

MC R 1127, Malachi K. Gilder  
et al.

On December 18, 1900, Malachi K. Gilder, 72 years old, of Atlanta, Miss. made application for identification of himself and his wife, Lula Gilder, as Mississippi Choctaws. No judgment has yet been rendered in this case. Our index does not show that any other Gilder appeared at any time as an applicant for identification.

Atoka, February 26, 1901.

AB

No. 1127

For Identification as a Mississippi Choctaw.

Date Dec. 18, 1900

Name Malachi K Gilder

Age 72 Blood 1/16

Post Office, Atlanta, Miss.

Father: Benjamin C. Gilder

Mother: Letitia B. Gilder <sup>Dead</sup> Dead

Claims through Mother

Father: Wm. Smith

Mother: Letitia Smith

Children:

Wife: Lula Gilder: 68.

Father Laughlin Dead

Mother Laughlin Dead.

Stenographer:

Francis R. Brown.

Choc MCR 1128 Wm C. Smith

see MCR 1178

MCR 1128

*Wm. C. Smith et al*

REFUSED

DECISION RENDERED. JAN 30 1903

NOTICE OF DECISION MADE & FORWARDED

JAN 30 1903

FORWARDED TO APPLICANT

JAN 30 1903

RECORD FORWARDED DEPT. OF

FEB 16 1903

ACTION APPROVED BY DEPT.

JUL 23 1903

FORWARDED TO APPLICANT

AUG 1 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY ST. MOKKATAY  
AND CHICKASAW NATIONS.

AUG 1 1903

REFER TO M.C.E. 1178

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Identification as a  
Mississippi Choctaw of William C. Smith et al.

William C. Smith being first duly sworn by Acting Chair-  
man Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A William C. Smith.  
Q What is your age? A 39 years.  
Q What is your postoffice address? A Ackerman, Choctaw Co. Mississip-  
pi.  
Q Do you live at or near Ackerman? A I live in Ackerman.  
Q How long have you lived there?  
A I have lived there about two years.  
Q Where did you live before that? A I was raised twelve miles south  
of Ackerman.  
Q How long have you lived in Mississippi? A All my life with the  
exception of two years. I was in Alabama in '62. My mother moved  
to Mississippi.  
Q What is your father's name? A William H. Smith.  
Q Is he living? A Yes sir.  
Q Is he a Choctaw Indian? A No sir.  
Q A white man? A Yes sir.  
Q What is your mother's name? A Emily A. Smith.  
Q Is she living? A Yes sir.  
Q Is she a Choctaw Indian? A She claims to be part.  
Q How much? A 1/16.  
Q You claim that you are an Indian through your mother, do you?  
A Yes sir.  
Q How much Choctaw blood do you claim to have? A 1/32.  
Q How old is our mother? A My mother is about 64.  
Q What is the name of her father? A Her father's name was Henry  
Fancher.  
Q Was he an Indian? A He was 1/8 Indian.  
Q Then your Indian blood comes through Henry Fancher, does it? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw nation in  
Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in  
the Indian Territory for citizenship? A No sir.  
Q Did you or did anyone in your behalf, in the year 1896, make appli-  
cation to the Commission to the Five Civilized Tribes for citizen-  
ship in the Choctaw Nation under the act of Congress of June 10,  
1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
in the Indian Territory by a judgment of the United States court in  
the Indian Territory on appeal from the decision of the Choctaw  
tribal authorities or the decision of this commission? A No sir.  
Q Have you ever prior to this time made application to either the  
tribal authorities of the Choctaw nation or to this Commission, for  
citizenship or enrollment as a Choctaw Indian? A No sir.  
Q Is it now your purpose to make application for identification as a  
Mississippi Choctaw? A Yes sir.  
Q Do you claim as a beneficiary under the provisions of the 14th ar-  
ticle of the treaty of 1830? A Do I understand that relates to  
the Mississippi Choctaw? Yes.  
Q What is the name of your ancestor who was a resident of the state  
of Mississippi, and a recognized member of the Choctaw tribe of  
Indians in 1830, at the time when the treaty was entered into be-  
tween the United States and the Choctaw Indians? A They was in  
Alabama at that time.  
Q Mr. Henry Fancher was not in Mississippi in 1830? A No, he died  
before the treaty of 1830. Henry Fancher died in 1823. Richard



2-William C. Smith.

- Panther, my great great grand father, I was told, died in 1821, in Bibb County, Ala.; he lived on Mahans Creek.
- Q What is the name of your ancestor who lived in Mississippi in 1830?
- A I didn't have any in Mississippi in 1830.
- Q Then none of your ancestors signified to the United States Indian agent of the Choctaw Indians in the Choctaw Nation, Mississippi, within six months after the ratification of the treaty of 1830, his intention to remain and become a citizen of the United States?
- A Not in Mississippi, no.
- Q Did he signify his intention anywhere else? A I can't say positively that they did. If so, it was in Alabama, because none of my people were in Mississippi.
- Q Did any of your ancestors ever claim or receive any land in Mississippi, as beneficiaries under the 14th article of the treaty of 1830? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Stella.
- Q Are you making any claim for her? A No sir.
- Q Have you any children under 21 years of age and unmarried? A Yes, three.
- Q What are their names and ages? A Baron A. 5 years, ~~William A. 3 years~~ St. Clair 3 years and Willia A. 5 months.
- Q Have you your marriage certificate? A No, I have not.
- Q When were you married? A I was married Oct. 30, 1894, in McGoo, Mississippi.
- Q Do your children all live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No, nothing except my witnesses, on account of their being feeble and not able to travel this distance.
- Q Is there any documentary evidence in support of this application that you wish to offer? A I can't file it right now. If it would be worth anything I would file it later on.

Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision, a copy of which will be furnished you mailed to your present postoffice address.

-----o-----

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed in my presence and sworn to before me this 8th day of January, 1901.


*John E. Lieber*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

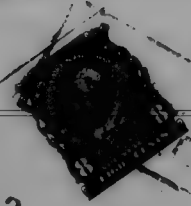
APR 3 1903



CHIEF



Reg no. 79



4413

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED  
MAR 13 1903  
MUSKOGEE, IND. TER.

*William L. Smith*

RECEIVED

*Chas. J. Smith*

*W. L. Smith*



## COMMISSIONERS

HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1128.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 30, 1903.

William C. Smith,

Ackerman, Mississippi.

Dear Sir:

You are hereby advised that on the 30th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry Middleton Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry Middleton Smith, et al.,	M.C.R. 1178
Elmer A. Smith, et al.,	M.C.R. 990
Emily Smith,	M.C.R. 993
Marcellus E. Smith, et al.,	M.C.R. 998
William C. Smith, et al.,	M.C.R. 1128
Albert Sydney Wade,	M.C.R. 1177
Henry G. Fancher, et al.,	M.C.R. 1622
Mary Susan Power, et al.,	M.C.R. 1627
Emily A. Smith, et al.,	M.C.R. 1628
Alice Bowie, et al.,	M.C.R. 1753
Florence Bailey, et al.,	M.C.R. 1758
Mary Power,	M.C.R. 1759
Christopher Columbus Fancher, et al.,	M.C.R. 1770
James Munroe Power, et al.,	M.C.R. 1840
Jeremiah H. Power, et al.,	M.C.R. 1841.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

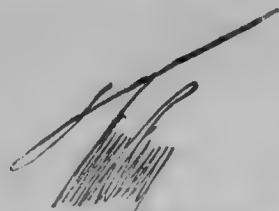
Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Middleton Smith, Myrtie Belle Smith, Benjamin Miller Smith, Charley Eugene Smith, Lorena Elvenia Smith, Laura Edna Smith, William Henry Smith, Elmer Athalone Smith, Elmer A. Smith, Jessie Forehand Smith, Emily Smith, Marcellus E. Smith, Marcellus H. Smith, William C. Smith, Baron A. Smith, St. Clair Smith, Willia A. Smith, Albert Sydney Wade, Henry G. Fancher, Martha Ann Fancher, Fruza Lillian Fancher, Estrella Fancher, Smith Fancher, Mary Susan Power, Ruby Power, Lucy Power, Fannie Power, Permelia Power, Emily A. Smith, Birtie Smith, Alice Bowie, Robert Fancher Bowie, Edna Bowie, Florence Bailey, Ida Bailey, Ola Bailey, Mary Power, Christopher Columbus Fancher, Mary Fancher, Henry Fancher, James Munroe Power, James Thomas Power, Foster Power, Emmett Power, Mary Power, Lile Power, Kate Power, Jeremiah H. Power, Flossie Nora Power, Tillie Godsley Power, Sellars McAlister Power and Robert Power, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage and that the application made by Marcellus E. Smith for the identification of his wife, Mannie E. Smith, as an intermarried Mississippi Choctaw should therefore be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 8, 1903.

Wm C. Smith,

Ackerman, Mississippi.

Dear Sir:

You are hereby notified that on the 24th day of July 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry Middleton Smith, et al., of which decision you were advised by registered mail on the 30th day of January, 1903.

Respectfully,

(SIGNED)

*L. L. Needles.*  
Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name *Wm C Smith*Age *39* Blood *1/32*Post Office, *1 corner Miss*Father: *Am. H. Smith; Living*Mother: *Emily A. Smith; Living*Claims through *Mother**Mother's Father:**Henry Fansher*

## Children:

*Baron A Smith 5**St. Clair W. Smith 3**Willie U. Smith 5 mo.**Mother:**Stella Smith**Stenographer**Frances R. Brown*



Choc MCR 1129 Tom Tikeli Yearby

MCR 1129

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

The record herein is in the application of  
Tom Tikeli-Yearby for identification as a  
Mississippi Choctaw-----M.C.R. 1129

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Tikeli Yearby  
for identification as a Mississippi Choctaw---M.C.R.1129

-----  
----- I N D E X -----  
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	Page
Original application of Tom Tikeli-Yearby to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission identifying Tom Tikeli- Yearby as a Mississippi Choctaw-----	3

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Identification as a  
Mississippi Choctaw of Tom Tikeli-Yearby.

Tom Tikeli-Yearby, having been first duly sworn by Acting  
Chairman Bixby, testified as follows:

By Mr. Bixby: (Through H. H. Halbert who was duly sworn as Interpreter  
Q Ask him what his name is? A Tom Tikeli-Yearby.

Q What is your age? A 90 years old.

Q What is your postoffice address? A Gainesville, Mississippi.

Q How long have you lived in Mississippi? A He has forgotten the  
number of years, but says he was born in Mississippi; was born in  
Jasper County, Miss.

Q Have you lived in Mississippi all your life? A He says he has.

Q What is your father's name? A Yearby.

Q He is dead, is he? A Yes sir.

Q What is your mother's name? A Iaimma hona.

Q Your mother is dead, isn't she? A Yes sir.

Q Were your mother and father both full blood Indians? A Yes, he  
says they were both Choctaws.

Q Are their names on any of the tribal rolls of the Choctaw nation  
in Indian Territory? A He says his name isn't.

Q Did you ever made application to the Choctaw tribal authorities  
in the Indian Territory for citizenship? A He says he didn't; he  
says he was there a little while and rambles about.

Q Did you or did anyone in your behalf, make application in the year  
1896 to the Commission to the Five Civilized Tribes for citizenship  
in the Choctaw Nation under the act of June 10, 1896? A He didn't

Q Have you ever been admitted to citizenship in the Choctaw Nation by  
a judgment of the United States court in the Indian Territory, on  
appeal from the decision of the tribal authorities, or the Commis-  
sion to the Five Civilized Tribes? A He says he has not.

Q Have you ever prior to this time, made any application to either the  
authorities of the Choctaw nation or the authorities of the United  
States for citizenship or enrollment as a Choctaw? A He says he  
has not.

Q Is it now our purpose to make application for identification as a  
Mississippi Choctaw? A He says "so".

Q Do you claim under the 14th article of the treaty of 1830? A He  
says--I put it down the best I thought the old man could under-  
stand it. First, he said he don't know; then I asked him when Col  
Ward was Indian Agent, whether his father has ever applied to Col.  
Ward for land, and he said he didn't. At first he said he didn't  
know, and then he said he didn't.

Q Did your father live in Mississippi in 1830 (No answer.)

Q Do you remember the treaty of Dancing Rabbit Creek? A He says he  
don't remember it.

Q He don't know whether his father was here at that time, does he?

A Yes, his father was here.

Q Did your father and yourself remain in Mississippi after the con-  
clusion of the treaty of 1830, or did either you or your father re-  
move to the Indian Territory with the other members of the tribe?

A He says his father went to the Indian Territory and remained only  
one month and came back to Mississippi and died here.

Q Did your father, or did you signify to the United States Indian  
Agent of the Choctaw Indians in Mississippi, your intention to re-  
main and become a citizen of the United States? A As far as he  
knows he don't think his father ever made any intention to remain  
and become a citizen. He never has himself; he is uncertain about  
his father.

Q Did either your father or yourself ever claim or receive any land  
in Mississippi? A He says he didn't.

Q Did your mother ever claim or receive any land in Mississippi?

A She didn't.

Q Are you married? A He is a widower.

2-Tom Tikeli-Yearby.

Q Have you any children under 21 years of age and ~~un~~unmarried? for whom you desire to make application at this time?

A No sir.

Q Is there any additional statement which you desire to make in support of this application? A No, he has nothing only he says he would like to get what he can.

Q Have you any documentary evidence which you would like to submit at this time in support of this application? A He says he has no documents.

Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision, a copy of which will be mailed to you at your present post-office address.

Memo. This man appears to be a full blood Indian.

-----

Frances R. Brown, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed in my presence and sworn to before me this 8th day of January, 1901.

*John K. Fieber.*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Tikeli-Yearby  
for identification as a Mississippi Choctaw-----M.C.R. 1129

-----D E C I S I O N -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on December 18, 1900, by Tom Tikeli-Yearby for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that this applicant is a full blood Mississippi Choctaw Indian.


Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

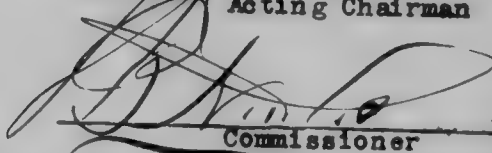
(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tom Tikeli-Yearby should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
\_\_\_\_\_  
Acting Chairman

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

Muskogee, Indian Territory

FEB 14 1903



Muskogee, Indian Territory, February 21, 1903.

COPY.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Tom Tikeli-Yearby as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the commission in identifying the said Tom Tikeli-Yearby as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

Registered.  
Enc. H.M.V. 19

*Tams Bixby.*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Tom Tikeli-Yearby,  
Gainesville, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tams Bixby.*

Chairman.

Registered

Enclosure 1129

Card No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX

1139

Don J. K. Yearby  
E. H. Yearby

Conrad J. Yearby

<p>111</p> <p>Yearby f. b.</p> <p>wife</p> <p>Samma-hona f. b.</p>	<p>mb 11/14</p> <p>Tom Dickie Yearby 90 f. b.</p> <p>wife</p> <p>x Callie Dean</p> <p>x Parents</p> <p>father part white part ches</p> <p>mother full blood</p>	<p>mb 11/30</p> <p>Emma Yearby 39 7/8</p> <p>married</p> <p>John Taylor Dean</p> <p>Lanisa Yearby f. b.</p> <p>married</p> <p>x Thomas Allen f. b.</p> <p>ancestors not given</p>	<p>mb 11/30</p> <p>Wilson Taylor 15</p> <p>mb 11/31</p> <p>John Allen 29. f. b.</p> <p>Seely wife</p> <p>x John Hudson f. b.</p> <p>x Parents</p> <p>father John Hudson f. b.</p> <p>mother Lanisa Hudson f. b.</p>	<p>mb 11/31</p> <p>Rosa Allen 6</p> <p>Isaac Allen 4</p> <p>Ervin Allen 2</p> <p>Lena Allen 2 m</p>
--	---	---	---	---

<p>Yearby f. b. Dean</p> <p>wife</p> <p>Amelia f. b. Dean</p>	<p>mb 11/31</p> <p>Nancy Yearby 76 f. b.</p> <p>Michael Yearby f. b. Dean</p> <p>Jack McArthur</p>	<p>mb 11/31</p> <p>Nancy McArthur 23 1/2</p> <p>married</p> <p>Henry Agloff</p>	<p>mb 11/31</p> <p>Arthur McArthur 14</p>
<p>Yearby</p>	<p>mb 11/36</p> <p>Jack Mcarty 10 Dean</p> <p>married</p> <p>Millie Yearby f. b.</p> <p>Dean</p>	<p>mb 11/36</p> <p>John Mcarty 32 1/2</p> <p>married</p> <p>x Clarice Yearby f. b.</p> <p>x ancestors not given</p>	<p>mb 11/36</p> <p>Lillie Mcarty 11</p> <p>Mary Mcarty 9</p> <p>Nora Mcarty 6</p>

<p>x Tekala Yearby</p> <p>See Evidence in m. R. 2402</p>	<p>x John Farve 1/2 Dean</p> <p>married</p> <p>Isabelle Yearby f. b.</p> <p>Taber Yearby f. b.</p> <p>x ancestors not given</p>	<p>mb 11/15</p> <p>Jim Farve 22 3/4</p> <p>Mary Farve 3/4 Dean</p> <p>married</p> <p>x Emil Feyer 1/2 Dean</p> <p>ancestors not given</p> <p>Trizer Farve 19 3/4</p> <p>Bellie Farve 19 3/4</p> <p>Dan Farve 15</p>	<p>mb 11/15</p> <p>Emmet Feyer 5</p> <p>Adolph Feyer 5</p>
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all cases cross referenced to case 1129 Yearby

Can these Cases be Combined?

Consolidated table prepared at suggestion m. r. 11/11/11

5

Takahabber  
<sup>wife</sup>  
Don't know

Ellis Yearby  
<sup>wife</sup>  
Margaret  
Parents  
Tahiohtabber  
<sup>wife</sup>  
Don't know

Wife  
1/1/1

Jesse Yearby Feb 20

COPY 4

M.C.R. 1129

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Tom Tikeli-Yearby as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Tom Tikeli-Yearby as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, (SIGNED).

Registered.  
Enc. H.M.V. 19

JAMES SIXBY,  
Chairman.

Wm 013

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1129

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1903.

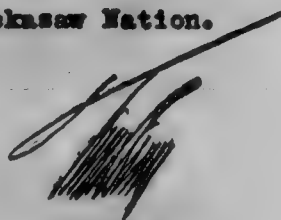
Tom Tikeli-Yearby,  
Gainesville, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,



Chairman.

Registered

Enclosure 1129



M. C. R. 1129

Muskogee, Indian Territory, May 13, 1903.

David Farve,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you request "a copy of the statement of Tom Tikel Yearby, or Tom Yearby Tikeli, made when he appeared before your Commission for identification as a Mississippi Choctaw." You state "He is my grand-father."

In reply you are informed that the Commission has not a sufficient number of copies of this testimony to comply with your request. However, the Commission will permit any person authorized by you, to make a copy of the same.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name Tom Tiheli-gearby

Age 90 Blood Full

Post Office, Gainesville, Miss.

Father: Gearby - dead.

Mother: Taimmationa - dead

Claims through 17th Parents.

Children:

Stenographer:

Frances R. Brown.

Reputed own 10  
 Yearby a ff. ab-lee / Tix. a. lee  
 wife  
 Gen-me  
 Tix. Coller

under  
 Ch. a. nat. h. mah  
 Hi. a. la. kat  
 Way- litten  
 har. ch. mah  
 deo. Tolocine

Highley  
 Piston Tenand. J

Tix. a. lee or Tix. Coller  
 page 614 Ches. 10 years of on Yearby a ff. ab-lee.  
 Reputed by Sec. a ff. ab-lee.  
 Tix. a. lee page 808.

Tix. Coller page 694 Ches. om. 10 a ff. ab-lee  
 as making a claim under 14th art

Off. that in spring or summer after treats Yearby  
 a ff. ab-lee started for agency of Cal. Wm. Ward  
 to get their names reg. for 5 years stay but that others  
 Indians who told the bears was reg. from now & then  
 they turned back.

Recommended by Comr. Murray & Croome <sup>aff. in</sup> 1842

208

208.560

78.5

581.7160.260.160

160.560

808.608.808.71.7617

6136, 4780, 807, 808

695✓ 697✓

691, 692, 694, 785

785. ✓✓

695.868.

807.

Very much back  
Recommended by Dr. Murray & Brown  
C.H.N. 1842

Dick. Callen says 694 there on 10 of Jan. - day  
 connecting a train under 14th and  
 all that is going on around after market  
 case at - he stands in line of for the way  
 to get the train for the street but that other  
 person who had the train on way. Person the  
 day home back.

UK-a-the Day 508.

*Negundo latifolia* Ait.

The a. l. in Dick-Cullen  
 Page 14 also has a sign of an 'a' at the  
 top of the page.

*(Handwritten notes, upside down)*

Reported Jan 16  
Plenty of oak - bar / T.K.O. bar  
Korba  
Jen-ma  
Tux.Colln

(J.R. Bush)

Tom Likeli Yearby } full Yearby  
Emma Layla } mother, Laimma Lona.

Ursula Layla

John Allen <sup>1249</sup> 1681 Apr 45 Shiny, Apr 36 Gainesville

Ellen Allen

Rena Allen <sup>1683</sup> 333 Apr 17 Saint Ann Co,

Isaac Allen 1684 Apr 6 Gainesville

John M Carter

Lillie

Mary

Nara

Dix

Nancy Yearby

Frija L. Liron.

Bellie Liron.

Don Liron

Jesse Yearby

Nancy M. Crechen

Crechen M. Crechen

808

Choc mcr 1130 Emma Taylor

See mcr 2370

mcr 1130

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Nattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Identification as a  
Mississippi Chectaw of Emma Taylor et al.

Emma Taylor having been first duly sworn by Acting Chair-  
man Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Emma Taylor.  
Q What is your age? A 39 years.  
Q What is your postoffice address? A Gainesville, Miss.  
Q Do you live at Gainesville or near there? A About 6 miles from  
Gainesville.  
Q How long have you lived in Mississippi? A Don't know exactly.

Through Interpreter H. S. Halbert.

- Q Were you born in Mississippi? A Yes sir.  
Q Have you lived here all your life? A Yes sir.  
Q Did you ever live in the Indian Territory? A No sir.  
Q What is your father's name? A Tikeli-Yarby.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Sallie.  
Q Is she living? A No, she is dead.  
Q Is your father a full blood Indian? A Yes sir.  
Q Was your mother a full blood Chectaw Indian? A Yes sir, but a  
little sprinkle of white blood she says  
Q How much Chectaw blood do you claim to have in your veins? A Her  
father is a full blood and her mother is a half blood; her grand-  
mother was Indian and her grandfather---her grandfather had a bit  
of white blood; she don't know how much.  
Q Her grandfather on her mother's side---her father is a full blood  
and her mother's father was half blood?  
Q And her mother's mother was full blood? A Yes sir.  
Q Is your name on any of the tribal rolls of the Chectaw nation  
in the Indian Territory? A No, it is not.  
Q Did you ever make application to the Chectaw tribal authorities in  
the Indian Territory, for citizenship in the Chectaw Nation?  
A She didn't.  
Q Did you or anyone in your behalf, in the year 1896, make application  
to the Commission to the Five Civilized Tribes for citizenship in  
the Chectaw Nation in the Indian Territory under the act of Con-  
gress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Chectaw Nation  
by a judgment of the United States court in the Indian Territory, or  
on appeal from the decision of the tribal authorities of the Chectaw  
Nation or the decision of this Commission? A No sir.  
Q Have you ever prior to this time made any application to either  
the tribal authorities of the Chectaw Nation in the Indian Territory  
or to the authorities of the United States for citizenship or en-  
rollment in the Chectaw Nation? A I have not.  
Q Is it now your purpose to make application for identification  
as a Mississippi Chectaw? A Yes sir.  
Q Do you claim under the 14th article of the treaty of 1830?  
A Yes, she does.  
Q What is the name of your ancestor who lived in Mississippi in 1830?  
A Yearby.  
Q Was he living here in 1830 at the time of the making of the treaty  
of Dancing Rabbit Creek? A Yes, he was living here.  
Q He was a recognized member of the Chectaw tribe of Indians at that  
time, wasn't he? A Yes sir.  
Q Did your father or your father's father remain in Mississippi af-  
ter the conclusion of the treaty of 1830, or did either of them re-  
move to the Indian Territory with the other members of the tribe?  
A She says they went there but only remained one month and returned  
to Mississippi.  
Q Did your father or your father's father signify to the United States



2-Emma Taylor .

Indian Agent of the Cheetaw Indians in Mississippi, his intention to remain and become a citizen of the United States? A She can't tell about that.

Q Did your father or your father's father, ever claim or receive any land in Mississippi? A They did not.

Q Are you married? A She is a widow. Her husband died four years ago last June.

Q Have you any children under 21 years of age and unmarried for which you desire to make application at this time? A Yes, Wilson Taylor, 15 years old.

Q Does he live with you at your home? A Yes sir.

Q Is there any additional statement that you desire to make at this time in support of this application? A That's all, she says.

Q What is the name of the father of this child? A John Taylor.

Q He is dead? A Yes sir.

Q Have you any documentary evidence that you desire to submit in support of this application at this time? A No sir.

Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision, a copy of which will be mailed to you at your present postoffice address.

Memo: This woman appears to be a full blood Cheetaw.

-----o-----

Frances R. Brown having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above-entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed in my presence and sworn to before me, this 8th day of December, 19 01.

*John G. Lieber*

Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

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In the matter of the application of Mary E. O'Quinn, for the identification of herself and her four minor children, James Walter, Dora E., Thomas M. and Ora May O'Quinn, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Mary E. O'Quinn being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary E. O'Quinn.  
Q What is your age? A Fifty.  
Q What is your post office address? A Marlow, Indian Territory.  
Q How long have you lived in the Indian Territory? A About eleven years.  
Q Where did you live before that? A Texas.  
Q Where were you born? A Born in Texas.  
Q Always lived there until you came to Marlow, did you? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A John T. Thompson.  
Q What is your mother's name? A Mary Jane Kerr.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim your father was one-fourth? A Yes, sir.  
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities in Indian Territory or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his race? A White.  
Q What is his name? A Thomas J. O'Quinn.  
Q Do you make any claim for your husband? A No, sir.  
Q How many children have that you want to make application for? A Four.  
Q What is the name of the oldest child? A James Walter.  
Q How old? A Nineteen.  
Q Next? A Dora E.  
Q How old is Dora? A Seventeen.  
Q The next? A Thomas M.  
Q Age? A fifteen? K  
Q How the next? A Ora May.  
Q How old? A Twelve.  
Q Is that all? A Yes, sir.  
Q You make this application today for the identification of yourself and these four minor children as Mississippi Choctaws do you?  
A Yes, sir.

- Q Is your husband Thomas J. O'Quin the father of these children?  
A Yes, sir.
- Q Are you and your husband living together and are these children living with you at his home? A Yes, sir.
- Q Is your name on any of the tribal rolls, or the names of your children, of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A Yes, sir I made application at Colbert.
- Q Before the commission to the Five civilized or the Choctaw tribal authorities? A Dawes Commission.
- Q Then you didn't make application to the Choctaw tribal authorities? A No, sir.
- Q Did you ever go before the Choctaw tribal authorities previous to that? A No, sir.
- Q And never made any other application before you made ~~you~~ one at Colbert? A No, sir.
- Q At Colbert June 21, 1900 you made a personal appearance for yourself and your children did you for enrollment as Choctaws by blood? A Yes, sir, I meant it to be Mississippi Choctaw but they wouldn't take it that way.
- Q At that time you wanted to make application as a Mississippi Choctaw? A Yes, sir.
- Q Have you any other application pending before the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and children except this one? A No, sir.
- Q The only personal appearance that you ever made before the Commission was that one at Colbert in June 1900? A Yes, sir.
- Q Well didn't your husband Thomas J. O'Quin appear before the Commission at South McAlester in February 1899 and there made application for himself, for you and for these children whose names you have given? A I have forgot.
- Q The records of the Commission filed in your case, Choctaw R. 217, shows that to be a fact. Don't you recollect that now? A No, sir.
- Q Well then that application was made by him for himself for you and for these children mentioned in the decision connected with that case, which decision was not signed. Well those are the only two applications pending before the Commission to the Five Civilized ~~either~~ with reference to your claim for citizenship in the Choctaw Nation for yourself and children? A Yes, sir.
- Q Do you want to have those applications now withdrawn and this application which you are making today for identification of yourself and your children substituted for it? A Yes, sir.

Statement by attorney:

Upon the request of the applicant it is desired that reference be made to the testimony heretofore introduced in the case referred to, wherein the applicant applied for citizenship as a Choctaw bl blood.

By Commission:

- Q Now you come before the Commission and make this application for yourself and these minor children in order that you may be identified as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article, if so who? A Grandfather and great grandfather.
- Q What was your great grandfather's name? A Henry Thompson.
- Q What was your grandfather's name? A Archibald Thompson.
- Q How much Choctaw blood did Henry Thompson have? A White man and his wife was full blood.
- Q What was her name? A Margaret McCoy, Margaret McCoy married Henry Thompson.
- Q She was a full blood? A Yes, sir.
- Q Did Henry Thompson or his wife Margaret live in Mississippi in the old Choctaw Nation in 1830 and have a family there then? A Yes, sir.
- Q How old would Archibald Thompson be if living now? A I don't know.
- Q How old would Henry Thompson's wife be if living now? A I don't know.
- Q Did Margaret Thompson go to the United States Indian agent within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen? A Yes, sir I think she did.
- Q How do you know? A My grandmother told it to me.
- Q You claim through your father? A Yes, sir.
- Q That is John T. Thompson? A Yes, sir.
- Q And he claims through which parent? A Archibald Thompson.
- Q And he claims through Henry? A Yes, sir.

- Q Did any of these Choctaw ancestors whose names you have given live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and at the end of that time get a patent from the government for that land? A No, sir not that I know of.
- Q Did any of your Choctaw ancestors go to Colonel Ward the United States Indian agent within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A To the best of my knowledge they did, they tried but failed.
- Q That is family history and tradition? A Yes, sir my grandmother use to tell me that.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir not that I know of.
- Q Or at any time between the years 1833 or 1838 with the other Indians at the expense of the government? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A Not that I know of.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. The first commission was appointed by an act of Congress approved March 3, 1837 and the second by an act of Congress approved August 23, 1842. These commissions were appointed, under these various acts of Congress, because of the complaints of many Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but had been refused registration by Colonel Ward, the Indian Agent, and as their names did not appear on the his registry list the government agents dispossessed them of their land which they owned in the old Choctaw Nation. This land was taken from them and sold at the public land sales of the government.

- Q Do you know whether your ancestor went before either of these commissions? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

These certificates were issued under the act of Congress approved August 23, 1842.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q What is the name of your grandmother who told you so much about your family history? A Annie Strong.
- Q She was the wife of Archibald Thompson? A Yes, sir, she was nearly one hundred years old when she died.

- Q She died when? A She died a year or two before I was married, I was married in 1871.
- Q What was her general appearance? A Brown.
- Q Could she speak the Choctaw language? A I don't know she couldn't talk plain.
- Q Where was she living then? A Texas.
- Q Where was she born? A I guess she was born in Texas, she was living there.
- Q Where was Margaret McCoy born? A To the best of my knowledge born and raised in Mississippi.
- Q You never saw her? A No, sir.
- Q You remember your grandmother very distinctly do you? A Yes, sir, I was about grown when she died.
- Q Did she tell you that she made the application or that it was her mother that made the application? A She said my grandfather made the application, him and my great grandfather's family.
- Q Archibald Thompson was a white man was he? A No, sir, Margaret McCoy's son, Henry Thompson was his father.
- Q He was one-half blood, Archibald Thompson? A Yes, sir.
- Q How do you remember when your grandmother said it was that they made this application to register? A It was some where about the time of 1830, I think in Mississippi close to where they had their rabbit dances.
- Q Did she ever tell you about the rabbit dances? A Yes, sir.
- Q Where did she say it was, in Mississippi? A Yes, sir, in Mississippi.
- Q Where were they living at that time? A In Mississippi.
- Q Did they have a home there? A Well now I can't tell you.
- Q Have you information that they had a home there? A Well I couldn't say that either.
- Q Did your grandmother tell you why they were not permitted to register? A She told me that the man that was to tend to the business got drunk.
- Q Did she undertake to tell you what the man told her? A No, sir.
- Q And that is way you get your information? A Yes, sir, grandmother lived with us and she would tell us about it.

This applicant appears to be descended from white parentage black hair, black eyes, medium dark complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors.

By attorney:

- Q Madam if you know of anything further of your father please state it? A Well my grandfather and great grandfather was on the rolls.
- Q What rolls? A I forget.
- Q How how do you know that? A I was told that my brother seen the rolls.
- Q By whom were you told that these ancestors were enrolled? A My grandmother.
- Q Did your grandmother tell you where or at what place they were enrolled? A I Mississippi some where I don't remember right at the place.



7124-6

- Q Which of your ancestors do you know have been enrolled? A Archibald Thompson and Henry Thompson and Margaret McCoy. Archibald Thompson was my grandfather but grandmother wasn't on the rolls, he was married before they were married.
- Q Are there any other facts in this case to which you have not testified and to which you desire to testify at this time? A No, sir.

---C---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Bay St. Louis, Mississippi, March 20,  
1906.

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In the matter of the Mississippi Choctaw applications of  
Nancy Agloff, et al. and Emma Taylor, et al., and the consolidated  
Mississippi Choctaw case of Usan Stout, et al.

ADDITIONAL PROCEEDINGS had at the Court House at Bay St.  
Louis, Hancock County, Mississippi, March 20th, 1906, in conformity  
with notice furnished applicants, their attorney of record, and  
the attorneys for the Choctaw and Chickasaw Nations, under Depart-  
mental directions of January 4, 1906 (I T D 4764, 5432-1904) and  
February 10, 1906 (I T D 1808-1906).

Albert J. Lee, attorney for applicants.

G. Rosenwinkle, representing Mansfield, McMurray &  
Cornish, attorneys for Choctaw and Chickasaw  
Nations.

STATEMENT by Mr. LEE:

Let the record show that I represent Mr.  
John S. Hagler, the attorney who represented the applicants  
in this case before the Commission to the Five Civilized  
Tribes, and that through him I appear for Nancy Agloff and  
for William Riley Windom and Asalene Windom.

Mr. Commissioner I want to renew a motion  
heretofore made in this case for a continuance until such  
time as it may be determined might be necessary for the pur-  
pose of securing the attendance of any witnesses which might  
have knowledge of the facts necessary to be proven in this  
case.

By the Commissioner:

The motion will be taken under advisement and  
we will proceed with the hearing.

NANCY FARVE, OR AGLOFF, NEE McARTHUR, being first duly  
sworn, testified as follows:

Examination by the Commissioner:

- Q State your name? A My name is Nancy McArthur, but at the  
present time it is now Nancy Farve.  
Q How old are you? A I couldn't exactly say, but I suppose I  
am somewhere about thirty-seven or thirty-eight.

- Q What is your post office address? A Waveland.  
Q Mississippi? A Yes sir, Waveland or Bay St. Louis.  
Q Were you ever known by the name of Nancy Agloff? A Yes sir, I was divorced from him.  
Q Are you an applicant before the Commissioner for identification as a Mississippi Choctaw Indian under the name of Nancy Agloff?  
A Yes sir.  
Q What is the name of your father? A Jack McArthur or McCarty.  
Q Was he a white man? A Yes sir.  
Q Is he dead? A Yes sir.  
Q What was the name of your mother? A Millie Yearby.  
Q Is she living or dead? A Dead.  
Q How long has she been dead? A Well, I don't exactly know, but she died when I was thirteen years old.  
Q Was she a full blood Choctaw Indian? A Yes sir, she was.  
Q She's the one through whom you claim your Choctaw blood? A Yes sir.  
Q What was the name of her father, your mother's father?  
A His name was Yearby. The old man, my grandfather, old man Yearby, is all I know.  
Q Do you know the name of your mother's mother, your grandmother on your mother's side? A Her name was Amelia.  
Q Both dead are they? A Yes sir.  
Q Were they both full bloods? A Yes sir.  
Q When did your grandfather Yearby die? A I don't remember.  
Q You never remember of seeing him? A No sir, I was small.  
Q When did your grandmother die? A My grandmother died before my mother.  
Q Did you ever see her? A Yes sir.  
Q She died just a short time before your mother? A Yes sir, about a year.  
Q Do you know as a matter of family history when your grandfather Yearby died? A No sir.  
Q Did your mother have any brothers and sisters? A Yes sir.  
Q What were their names? A One was Tekala Yearby; one was Pare Yearby, he got drowned. Nancy Yearby she died in Territory. She went there and lived about six or seven days after she got there.  
Q Any others? A That's all I know. The others died when they were small. I don't know anything about them. Clarice is one of them.  
Q Did these brothers and sisters of your mother have any Indian names that you know of? Did you ever hear them called by any other names? A No sir.  
Q Are all of them dead at the present time? A Yes sir.  
Q When did Tekala die? A Tekala died about four years ago, maybe little over.  
Q How old a man was he at that time? A He must have been about eighty years old, eighty or eighty five, somewhere along there, but he was an old man.  
Q Where did he live? A Lived at a place we called Devil's Swamp.  
Q In this county? A Yes sir.  
Q Did you ever know of him ever living in any other place than Hancock County? A No sir.  
Q Do you know William Riley and Asalene Windom? A Yes sir.

- Q What is the name of their father and mother? A George Windom and Malvina Stout before she married Windom; she's a second cousin to me; her mother was my first cousin.
- Q George Windom is a white man is he not? A Yes sir.
- Q What was the name of Malvina's mother? A Sissie Yearby.
- Q And she was a daughter of Tekala? A Yes sir.
- Q Do you know two children named Sylvest and Katie Carrie Ladner? A Yes sir.
- Q Where do they live? A Same place Windom was living.
- Q In the Territory? A No sir, right here, and they left here and went to the Territory.
- Q What is the name of the mother of these children? A Paulina.
- Q Paulina what? A Paulina Stout--she went by the name of Stout.
- Q Was Paulina Stout a daughter of Sis Yaba? A Yes sir, Sissie.
- Q Who was the father of these children? A Raymo Ladner.
- Q Was he a white man? A Yes sir, Creole.
- Q Was he ever married to Paulina? A No sir.
- Q Did he live with her? A Yes sir.
- Q He lived with her at a time before these children were born? A Yes sir.
- Q He is well known as the father of these children is he? A Yes sir.
- Q Do you know Sam Yaba? A I do.
- Q What is the name of Sam's mother? A Celestine.
- Q Is she living or dead? A Dead.
- Q What was the name of Celestine's father? A Ellis Yearby.
- Q Who was Ellis Yearby? A Old man Tekala's son.
- Q Brother of Sis? A Yes sir.
- Q Full brother? A Yes sir.
- Q What was the name of Celestine's mother? A Margaret Taylor.
- Q Was she a full blood Indian? A Yes sir.
- Q Now who was the father of Sam Yaba? A That I couldn't say.
- Q Is he an illegitimate child? A Yes sir.
- Q Was Celestine living with any man prior to this time? A Not as I know of, so I don't know anything about it all.
- Q You never heard Celestine say who was the father of her child? A No sir.
- Q Do you know Emma Taylor? A Yes sir.
- Q Is she living or dead? A Dead.
- Q When did she die? A She's been dead about three years.
- Q Was she an applicant for identification as a Mississippi Choctaw? A Yes sir. She was a first cousin to me.
- Q What was the name of her father? A Tekala.
- Q What was the name of her mother? A Sallie.
- Q Was Emma Taylor a full sister of Sis Yaba? A Yes sir.
- Q She was a full blood Indian was she? A Yes sir.
- Q Tekala's wife Sallie was a full blood Indian, are you sure? A Yes sir.
- Q What was the name of Emma Taylor's husband? A John Taylor.
- Q Is he living or dead? A Dead.
- Q Was he a full blood Indian? A Yes sir.
- Q Was John Taylor a brother of Margaret Taylor? A Yes sir.
- Q Has Emma Taylor got any children? A She had one. He died a little before her.
- Q What was his name? A Wilson.
- Q Did both Emma and Wilson die in this country? A Yes sir.
- Q Never removed to the Indian Territory? A No sir. She went to

Hattiesburg and put in her application and she came back here crazy and she died.

By Mr. Lee:

Q Now Nancy you stated a moment ago that Nancy, a sister of Tekala, went up to the Territory and died, did you not? A Yes sir.

Q Did she have any other name except Nancy? A I think she had an Indian name, but I don't remember what her Indian name was; that I don't know.

Q Did she ever have any children? A No sir, never was married.

Q You think you would know her Indian name if you should hear it?

A I suppose I would. I have often heard old folks say that her name was Pis-ta-ma.

Q Did you ever hear the name Nan-che-ma? A No sir.

Q Now a moment ago you testified that Pare was a brother of Tekala? A Yes sir.

Q Did you ever hear of him being called any other name? A No sir, only Pare.

Q You stated that he's dead? A Yes sir, he was drowned.

Q Where was he drowned? A About four or five miles from here.

Q In a Creek or Lake? A Bayou.

Q What was the name of the Bayou? A "Four Dollar" Bayou.

Q Did he have any other children than Celeste? A No sir.

Q He did have a girl named Celeste didn't he? A No sir, his brother.

Q What was his brother's name? A Celeste's father, let's see, that was his name now; let's see, it's been so long, I don't know. I was small when he died. I will think of it because I have got it on my tongue.

Q I want you to name if you can, all of the daughters of Tekala, beginning with the eldest, and name all of them, as many as you can? A Alright; there was Kabelle, Marcelline, Sissie, Louisa, Emma, Lala, Amelia, Jennie.

Q Any more? A That's all.

Q That's all of them? A Yes sir.

Q Now tell me who Isabelle married? A She married Jules Farve.

Q Did she have children by Jules Farve? A Yes sir.

Q Can you name them? A Name most of them.

Q Well name those you can? A John Farve; there's Mary Nauss, Jim, Dan--Dan is dead, Dave, Bill, Gasperine, Almus.

Q Now can you name any more? You have named - ? A Frazine, that's all.

Q Now let me see if you have named them all. You have named Jim, Dave, Billie, Dan, Frazine and Gasperine and Mary and that other one--I can't pronounce the name? A Almus.

Q Almus? A That's all.

Q Now then tell me who Emma married? A John Taylor.

Q Did she have children by John Taylor? A Yes sir, one.

Q Who did Louisa marry? A Louisa married John Thomas.

Q Did she have children by John Thomas? A Yes sir.

Q Name them? A Celia Thomas and John Thomas--he was named after his father.

Q Any more? A No sir.

Q Who did Sis marry? A Married Usan Stout. They call him Stout, but his right name in Indian is Usan Chuffah. Chuffah means a nail in Indian, that's what they say.

By Mr. Rosenwinkle:

That's objected to, because it's not in response to any question asked. It's immaterial, irrelevant.

By Mr. Lee:

- Q Can you name the children of Sis Stout? A Pauline, Elizabeth, Edwina.
- Q Any more? A Did I call Elizabeth?
- Q Yes, you called Elizabeth? A Them Indians been gone so long away from me that I have forgotten their names.
- Q Is that all you can name? A Let's see -- what is the other girl's name.
- Q Do you know George W. Windom or George Windom? A I do.
- Q What was his wife's name? A Edwina.
- Q Did she have any other name? (No answer).
- Q Do you know or remember knowing a person by the name of Victoria? A Yes sir.
- Q Whose daughter was Victoria? A She was Siss's daughter too.
- Q Siss's daughter too? A Yes sir.
- Q Do you remember a person by the name of Terese? A Yes, that's one of them; that's the one I was thinking about so long.
- Q Who did Lala marry? A I don't know sir.
- Q Who did Jennie marry? A I don't know either.
- Q Do you know who Amelia married? A Yes sir.
- Q Who? A Charley Farve.
- Q Who was Charley Farve's parents - mother and father?
- A His father was my mother's son.
- Q Well that's not telling us who he was? A Charley Farve; that's all I can tell you.
- Q I want to know the name of Charley Farve's father? A I don't know, only old man Charley.
- Q Who was his mother? A Salena Farve.
- Q Can you tell me who Marceline married? A Bilbo Taylor.
- Q Do you remember a person by the name of Watubbee? A No.
- Q Don't remember? A No.
- Q Can you name Tekala's sons, all of them? A Yes sir.
- Q Name them please? A Ellis and Simon.
- Q Can you tell me who Simon married? A He married Tateen Lafentain.
- Q Was she ever called anything else? A Not as I knows of.
- Q What is the difference in Choctaw between Tateen and Celestine?
- A Tateen and Celestine, there is a difference in it.
- Q There is a difference? A Sure.
- Q How did he have any children through Tateen? A Yes sir.
- Q Who? A Salena.
- Q Is that Salena or Salena? A Salena, and Louisa.
- Q Any more? A Victor, he died in Territory, he was killed. Thomas, Mary -
- Q Do you know a man by the name of Charley E. Farve now living in the Indian Territory? A Charley S. Farve? I know one Charley Farve; I don't know whether it's him or not.
- Q That's living in the Territory? A Yes sir.
- Q Can you name his father and mother? A The one I know in the Territory, his mother's name is Salena Farve and his father was Alexander.

Q Well, the Salena Farve that is the mother of the Charley Farve that you know, is she the same Salena who is a daughter of Simon? A No sir.

Q Not the same one? A No.

By the Commissioner: Mr. Rosenwinkle have you any questions?

Mr. Rosenwinkle: No.

By the Commissioner, to applicant:

Q Do you know Clemogene Farve? A Yes sir.

Q Do you know Elizabeth Farve? A Yes sir.

Q Are they both living? A Yes sir.

Q Is this their post office address? A Yes sir.

Q Are they full sisters? A Yes sir.

Q What is the name of their father? A Piere Farve.

Q What was the name of their mother? A I don't know sir; I don't know anything about that family, but very little.

By Mr. Lee:

I object to the testimony just taken as to Clemogene and Elizabeth Farve, as the two claimants are not applicants in the case of Nancy Agloff or of Emma Taylor or Wilson Taylor, and should properly be included in the consolidated Farve cases.

Witness excused.

JOSEPH J. FARVE being called as a witness and duly sworn, testified as follows:

By the Commissioner:

Q What is your name? A J. J. or Joseph J. Farve.

Q What is your post office address? A Bay St. Louis or Waveland.

Q How old are you? A Going on fifty; I was born in '57, March the 13th.

By Mr. Lee:

Q Do you remember a person by the name of Tekala? A Yes sir.

Q What was his last name? A Yearby.

Q Is he living at the present time? A No sir, he's dead.

Q How long has he been dead? A Well, near two years now, nearly so. Well, do you recollect when the Commissioners came to Hattiesburg the first time?

Q Yes? A Well, about six or seven months afterwards he died.

Q You think he died six or seven months after the Commission came to Hattiesburg? A Yes sir.

Q Where did he die? A Devil's Swamp.

Q Is that in this county? A Yes sir.

Q Haggood County, Mississippi? A Mississippi, yes sir.



- Q Did you know him intimately well? A Ever since I knowed anybody. Raised right with him. I don't suppose there was a month through my life while he was living there that I didn't see or hear of him.
- Q Do you know who Tekala Yearby's father was? A Called Bill Yarby. I believe Bill Yarby was his father's name, but I don't recollect him.
- Q Don't recollect ever seeing him? A No sir. Knowed of him. Knowed what they called him.
- Q Did you know Tekala's wife? A Yes sir, I knowed her just that way; I don't know her family.
- Q But you knew her? A I knew her.
- Q What was her name? A I think they called her Sallie. They called her Aunt Sallie here.
- Q They called her Aunt Sallie? A Yes sir; she was very old and everybody called her Aunt Sallie.
- Q Did she live with Tekala all the time? A Yes, raised a big family there.
- Q Ever have any other wives as you know of? A No sir.
- Q Can you name the children of Tekala? A I can, part of them.
- Q Name as many as you can? A I don't know as I can name the names as they call them in Indian -- Sis Stout, Louisa Thomas and Melia Farve, Emma Taylor, and there's Jules' wife -- let's see -- they called her --
- Q Jules who? A Jules Farve, he's a half brother to me.
- Q Was it Mary? A Some such a name as that. I don't know just her name.
- Q Was it Jane? A Oh, hold on, I will tell you.
- Q Wasn't Jane, you said? A No sir.
- Q Was it Isabelle? A Well, it might be, but I can't tell you. And then there's Ellis and Simon -- raised right together -- me and Simon.
- Q Did you know a person by the name of Marcelene Taylor? A Yes sir, that was one of his girls too. I never knew what her name was.
- Q How did you know it was one of his girls? A Just know it was one of his girls, but I never talked to her.
- Q Do you know, or did you know, a person named Lala? A Yes sir, that's Tekala's daughter.
- Q Did you know a person named Jennie? A Yes sir, Tekala's daughter.
- Q Who did she marry? A I think she married a Huggins, I think; I never saw him.

By Mr. Lee: I would suggest to the Commissioner that some people spoil that name H a w k i n s.

By the witness: This one they called Lala or Laura there, her husband's name was Lewis Huggins. He got killed up here on the road.

- Q Who did Simon marry if you remember? A He married a half sister to me; she was a Farve; I don't know what her mother's name was.
- Q Do you know her surname? A They called it Tateen--that was Simon's wife. Now if she's got any other name, I don't know it. She was an outsider and I don't know who she was. I know she was an Indian alright.



- Q Was Tekala's wife Sallie a full blood or of less blood?  
 A I think she was a half blood.
- Q You think she was half? A That's what I have been told.
- Q Did you see her constantly? A Yes sir, knew her well.
- Q What was her appearance? A She looked fair enough; she was an Indian alright, but she looked like --she was about like Nancy here; looked like she might be mixed blood, but the old gentleman was straight goods.
- Q Can you name the children of Sis Stout? A Yes sir.
- Q Name as many as you can? A Elizabeth, Pauline, Ellen, and Victoria and Windom's wife here, let's see, we called her Vena here, but that wasn't her real name; but really that wasn't her name; and Terese, that's all of Sis Stout's children. He has another son by another woman. I think that's all of his children.
- Q Now you stated a moment ago that Amelia was a daughter of Tekala, who married a Farve? A Yes sir. She's in the Territory now.
- Q In the Territory? A Yes sir, her and her husband both.
- Q What was her husband's name? A Charley Farve.
- Q Who was his father? A Lexie Farve - No, Lexie's son was the father of him - -called Tusan, and his mother is John McCarty's mother here. John McCarty and him are half brothers.
- Q John McCarty and who - -Touzan? A Yes, Touzan.
- Q Can you name any of Tekala's brothers and sisters?
- A Yes, I know them all, but I don't really know their names. One of them is named Pare, the brother; and one got drowned on Bayou Lacroix.
- Q Do you know his name? A No.
- Q Was that Pare? A No, but Pare did get drowned on Bayou Lacroix - the lady Mary's ~~xxx~~ husband.
- Q Two of them got drowned? A Yes sir, two brothers. The first one we spoke of is the father of Celeste.
- Q First one that was drowned? A Yes sir, I don't recollect him, but I knew a girl; she married a fellow up here by the name of John Nail or something like that; married him right here in town.
- Q Name any of the sisters of Tekala? A One Clarice; John's mother here is one of them, but I can't tell you the name.
- Q Who do you mean by John? A John McCarty's mother - one of Tekala's sisters.
- Q Was it Ma-he-ma? A Not as I know of.
- Q Can you name any other sisters? A Well, no; there was one old sister that I knewed, but I don't know the names. I have just seen her that way you know, but they got such funny names I never can think of them.
- Q Now you said Clarice? A Yes, that's Hutson's mother.
- Q Can you tell me if you ever heard her called by an Indian name other than Clarice? A No sir, I don't know her Indian name.
- Q Can you remember when Tekala came to Hancock County? A No sir; oh no.
- Q You can't? A No, he was here ever since I can recollect anything.
- Q You are sure he didn't come here since you have been old enough to recollect? A Oh, no, I don't recollect anything about him coming until I was a man grown, and then I heard of him coming back from the Territory.

- Q Did he come back from the Territory? A Yes sir, and his old grand aunt Lewie Farve came back here from the Territory and died and his wife went back to Arkansas and the Territory.
- Q You don't mean to say grand aunt Lexie do you? You mean grand aunt, the wife of Lexie? A Yes sir; he died here.

By Mr. Rosenwinkle:

- Q You say that it is your understanding that Tekala went west to the Choctaw Nation? A Yes sir.
- Q When did he go out there? A I can't say when he went; I think it was in '30; I am not sure, it may have been since then.
- Q Is it your understanding that he went at the time the other Choctaw Indians went? A Yes sir, they went with a grand aunt and grand uncle of mine and that's about all I know.
- Q What information, if any, have you as to the length of time that he removed out there? A I have none. I don't know how long he stayed or anything about it.
- Q Some of his other relatives also went out there, was there?
- A Yes sir, I suppose there was a good many went together. I don't know if he didn't go with old man Farve.
- Q Well, that information you got from family history and it's been passed down from the old folks? A Yes sir, his daughter told me she recollected coming back; she's my mother-in-law. She told me she ~~was~~ just could recollect of coming back.

Witness excused.

MARY PARO being called as a witness and duly sworn, testified as follows, through John McCarty, sworn interpreter.

By the Commissioner:

- Q What is your name? A She says English name she goes by Mary.
- Q What is the full name? A That's her name - Mary Louise.
- Q Isn't there anything else? Hasn't she got a last name?
- A Mary Paro.
- Q How old are you? A She says she can't remember her age at all. She says there was no house in this place here but one that she remembers of when she first came here.
- Q Does she remember the time of the treaty of 1830? A Said her mother - at that time her mother died here at Bayou Philip and her grandmother died here at Jordan river.
- Q Do you remember when so many Choctaws left this country and went to the Territory, a long time ago? A Yes, she remembers a whole lot of them going to the Territory.
- Q How old were you then? A She says she was right young; she don't remember her age at all.
- Q She was a young girl or woman? A Right young girl she says.
- Q She remembers that time though, does she? A Yes sir.
- Q Are you a full blood Choctaw Indian? A Yes sir, full blood all the way round.
- Q What is your post office address? A Waveland.

By Mr. Lee:

- Q Ask her where she was born? A Says her mother brought her from the other side of Mobile here. She don't exactly know the name of the place, but her mother brought her here when she was a very small girl, and she has been raised right here in this State.
- Q Ask her if she knows or did know an old man named Yarby?
- A She says she knowed him good.
- Q Ask her if she knows who Yarby's mother was? A She says she remembers seeing his mother, but she don't know her name.
- Q Did you know a woman by the name of Hotana or Hotuni, or something of that kind? A Says she don't remember that name here, right in this place here.
- Q Ask her if she can name the children of this old man Yarby she says she knows? A O-na-he-mah.
- Q That's one of them. Now can you name any more? A Tekala.
- Q You have named one son and one daughter. Now can you name any more? A Hotachubbee.
- Q You have named three now? A Pare.
- Q Can you name any more of the daughters of old man Yarby?
- A Hialah.
- Q Did she have an English name? A Clarice was English name.
- Q Now you have named Tekala, O-na-he-mah, Hialah and Pare and Watubbee--you called it a little different before. What did you say? A Watubbee.
- Q Now is there any more? A She says she thinks that is about all.
- Q I will ask you if you know a woman by the name of Nanchamah?
- A Alexie Farve's stop-daughter.
- Q You are sure that Tekala never had a sister by that name are you? A Pistema, that was Nancy Yarby who died in the Territory.
- Q Did Onahemah have an English name? A Millie Yarby.
- Q Can you name any of Onahemah or Millie's children? A John McCarty, Nancy Agloff and Touman Farve.
- Q Now can you name Watubbee's children? A No, she don't remember the names of that children part.
- Q Is Watubbee living now? A No, he's dead.
- Q He's dead. How long has he been dead? A She says that's out of her recollection. She couldn't say how long he's been dead.
- Q Ask her if she knows where he died? A Old Buck Mitchell place on Bayou Lacroix.
- Q Who was the oldest, Tekala or Watubbee? A Tekala is the oldest.
- Q Ask her if she knows which was the older, Onahemah or Hialah?
- A Hialah was the oldest one.
- Q Ask her if she can name Hialah or Clarice's children?
- A Catherine and Joe Hutson and old Rosa Lee and Louie, them all dead.
- Q Can you name Tekala's children? A Louisa, Ellis, Simon, Amelia, Jennie, Lala, Sissie.
- Q You named now Isabella, Sis, Lala, Jennie, Amelia, Ellis and Simon. Zabelle, that's Isabelle; she named that first? A Yes, that's right.
- Q Do you remember a person named Marceline? A Yes.
- Q Who is the father of Tekala's Marceline? A Tekala.

Q Do you remember a girl named Emma? A Yes.

Q Who was the father of Emma? A That's Tekala's daughter.

By Mr. Rosenwinkle:

Q Ask her who her father was? A Louis To-mut-tah.

Q Now who was her mother? A Louisa.

Q Louisa who? A She says she can't remember the balance of the name of her mother part.

Q Ask her if she's related to these applicants in any way?

A Yes sir, she's kinfolks with them all.

Q Is she an applicant herself? A Yes sir.

Q How is she related to this old man Tekala? A She's sister-in-law - married his brother.

Q Ask her if Tekala was living here at Bay St. Louis or this vicinity when she and her mother first came here? A He come from Choctaw Nation here after she came here.

Q How ask her when Tekala went to the Choctaw Nation west?

By Mr. Lee:

We object to the answering of this question for the reason that it is a question asked in cross examination, and that in the direct examination no questions were asked concerning the removal of Tekala to the Choctaw Nation west. The cross examination must be confined to questions asked in the direct examination.

By Mr. Rosenwinkle:

I have no statement to make, except it's very material.

By Mr. Lee:

It would be very material if we had attempted to put in evidence that he ever went to the Choctaw Nation.

By the Commissioner:

Objection is entered in record and we will proceed.

By Mr. Rosenwinkle: (To interpreter)

Q You can ask her the question now?

By Mr. Lee:

We object to that question further for the reason that he has not put in evidence that Tekala ever did go to the Choctaw Nation west. He may ask her if he ever did, not when he went.

By Mr. Rosenwinkle:

She just testified in the question before about him returning from out there.

Mr. Rosenwinkle:

- Q I will ask her this question: When she speaks of Tekala coming from the Choctaw Nation here, did she mean the old Choctaw Nation in this State or the present Choctaw Nation in the Indian Territory? A Choctaw Nation here.
- Q Choctaw Nation here? A Yes.
- Q Ask her when it was that Tekala moved here, with reference to the time the treaty was made? A She says she don't remember it; she was small then and she don't remember thoroughly. They went there and come back. They went there and come back and her and Paro married then.
- Q Now was it at the time of the making of the treaty of 1830 when they went up there? A Yes sir, that's the same time.
- Q Then before the making of the treaty Tekala and his people had lived in this part of the State? A She says, as high as she can remember, it was right after the war when they went up there.
- Q Ask her what war she has reference to? A First war that came out after she was big enough to notice the war.
- Q Ask her who that war was between, if she remembers? A She says Yankees and the Americans.
- Q Ask her where the fighting was done in that war? A She says it was on the other side of New Orleans where all the fighting was done. She says she was in New Orleans at that time when the Yankees went through.
- Q Ask her what war she's talking about, whether she's still talking about the first war or a later one? A She says she think that the first war; that's the only war she remembers of.
- Q Ask her if that isn't the war with Mexico and Texas that she's talking about? A No sir.

By Mr. Lee:

- Q Tell me how large a woman you were when this fighting came on at New Orleans? A She was mighty near grown.
- Q Now ask her how long Tekala stayed here before he went back up to the Choctaw country? A She couldn't say exactly how long he did stay before he went back.
- Q Ask her whether she remembers if his father, old man Yarby, came with him when he came down? A Yes sir.
- Q Ask her if he went back with him? A Yes, he went back with him and then come back and died here.
- Q Now ask her if she remembers anything about the Choctaw people giving up their rights in Mississippi and the government coming in and taking this land and making a State out of it?
- A She says she don't remember the time that the government took the lands away from the Choctaws.
- Q Ask her if she remembers any talk about the government taking the land away from the Indians at the time that old man Yarby and Tekala first came down here? A Yes, she said after she got a little bigger that she could remember she heard them talk about it, but she was too little at that time.
- Q Ask if I understood her right in saying that when Tekala came back from the Choctaw country, she married Tekala's brother Paro? A Yes sir, that was the time.

By the Commissioner:

- Q Did you know Billey Yarty, did you remember him, old man Yarty?
- A Yes.
- Q I am referring to Tekala's father? A Yes.

- Q What was Tekala's mother's name, the wife of Billey Yarby?  
A She says she forgot her name.
- Q Was Yarby's wife living when you first knew him? A Yes sir, she was a living, both of them.
- Q Now how old was Tekala when you first knew him? A He was full grown.
- Q Was he married? A When she first met him he had four children as high as she can recollect.
- Q And that's the first time you ever knew Tekala was it? A Yes sir.
- Q How much older was Tekala than his brother Paro whom you married? A Paro was the youngest one of the whole bunch.
- Q First time you knew Tekala was it when he came from the old Choctaw Nation down into this country here? A Yes sir.
- Q Who came with him at that time? A She said there was a whole lot of them came here together.
- Q A whole lot of Choctaw Indians? A Yes sir.
- Q Did Yarby and his wife come at the same time? A Yes sir, they came at the same time.
- Q Do you know what part of Mississippi they came from? A Well, there's a place here they called Choctaw Nation, or some place on the other side of Mobile they came from.
- Q Now you stated that you were born on the other side of Mobile?  
A Yes sir.
- Q Did you come from the same place that they did? A Yes sir.
- Q Didn't you know them before you came to this part of Mississippi? A No sir, she got acquainted with them here. She was too small to recollect them back there.
- Q Do you know whether Tekala or his father Yarby ever had any land in Mississippi? A Never had any as far as she knows.
- Q Did you ever hear Yarby or Tekala or any of the rest of that family state why they had come from the old Choctaw Nation down into this part of Mississippi? A Well, she says at that time there was a head boss who was Chief went one way and that's how come them to move over this way. When the Chief left, they left and come over here.
- Q Did the head man - the Chief - come to this country with them, or some place else? A They went back to Arkansas, and they came here. Some of that crowd of Indians went to Arkansas and the rest of them come here, so I have been told.
- Q Can you state how long it was after Tekala came to this country before he went back to the old Choctaw Nation? A No, she don't know exactly how long he did stay here.
- Q How old a woman were you when you first met Tekala? A She says she was quite young when she met him. She was young herself.

By Mr. Rosenwinkle:

- Q You might ask her whether she ever heard of Billey Yarby or Tekala going to Arkansas? A She says yes they all went over there and came back; Tekala and Mary Farve and all the rest of them went over there and came back.

By Mr. Lee:

We object to that question and the answer, on the ground that no question was asked in the direct examination as to whether or not Tekala went to Arkansas.



By the Commissioner:

Note the objection and we will proceed.

By Mr. Rosenwinkle:

Q Ask her if it isn't a fact that Billie Yarby and Tekala went to Arkansas about the same time that the other Choctaws went out there?

By Mr. Lee:

We object to this for the same reasons given in regard to the previous question.

By the Commissioner to witness:

Go ahead.

By the Witness:

Yes.

By Mr. Lee:

I move that the questions and answers under the objections stated above be stricken from the record.

By the Commissioner:

The motion is noted.

By the Commissioner to witness:

- Q Did you know Tekala or Billey Yarby when so many of the Choctaws left Mississippi and went to the Choctaw Nation west, Indian Territory? A No, when they first went up there she was quite a small chap then days. She wasn't acquainted then with Tekala or Billey Yarby either. What she's saying now she got it from her Grandma.
- Q She's not speaking of her own knowledge when she says they went to Indian Territory or to Arkansas? A Yes sir, she remembers the last time they went back there. She remembers that alright.
- Q We were talking about the time the large numbers of Choctaws first went to the Indian Territory? A She don't remember that first time. She says she remembers good when they used to come here and carry the Choctaws back there.
- Q Well now after she knew Tekala and Yarby did they ever go to the Indian Territory or to Arkansas? A Yes sir, they went back to Arkansas, but she says she don't remember hearing of them going to the Territory.
- Q How long were they gone on that trip? A One year.
- Q Did they take their families with them? A Yes sir, took all the families there and back.
- Q Was that before or after you married Pare? A That was long before she was married to Pare.
- Q How old a woman were you when you married Pare? A She says she was about full grown; she don't know her age.
- Q Was Pare the first man you ever married? A No, the second man.
- Q Did you have any children by your first husband? A One child.
- Q How long did you live with this first man? A She says the first child was about five years of age when her first husband died.



- Q Now when Tekala and Billie Yarby and their families went to Arkansas, was that after you knew them and after they had moved down here from the old Choctaw Nation? A Yes sir, after they came here.
- Q About how long after they came here? A She say's she can't say exactly how long it was.
- Q Has she got any idea about how long it was? A No sir.

By Mr. Rosenwinkle:

- Q Ask her whether Billie Yarby and Tekala and these other people that she knew, removed to Arkansas from the old Choctaw Nation beyond Mobile or over here? A She says right there from the Choctaw Nation now on the other side of Mobile, here; she says that's where they came from.

Witness excused.

LOUISA THOMAS being called as a witness and duly sworn, testified as follows, through John McCarty, interpreter:

By Mr. Lee:

- Q What is your full name? A Louisa Thomas.
- Q Who was your mother? A Sallie.
- Q Sallie who? A Sallie Yarby.
- Q Who was your father? A Tekala Yarby.
- Q How old are you? A She can't tell her age.
- Q Ask her if she can remember when Tekala came to this county here, Hancock County? A She was small. She don't remember nothing about it.
- Q She don't remember nothing about it? A No sir.
- Q Is Masalene Taylor a sister of yours? A Yes.
- Q Is Amelia Farve a sister of yours? A Yes.
- Q Is Jennie Huggins a sister of yours? A Yes.
- Q Lala, is she a sister? A Yes.
- Q Is Sis Stout a sister of yours? A Yes.
- Q Is Emma Taylor a sister of yours? A Yes.
- Q Isabelle Farve a sister of yours? A Yes.
- Q Is Simon a brother of yours? A Yes.
- Q Ellis also? A Yes.

Witness excused.

-----

Albert G. McMillan being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of March, 1906, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Albert G. McMillan*

Subscribed and sworn to before me this 21st day of April, 1906.

*Henry L. Harris*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application of Emma Taylor, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1130.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Emma Taylor, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Emma Taylor, et al., for iden- tification as Mississippi Choctaws-----	3

-cOo-

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----000-----

In the matter of the rehearing of the consolidated Mississippi Choctaw case of Nancy Agloff, et al., embracing the applications of

Nancy Agloff, et al.,  
Emma Taylor, et al.,

M.C.R. 2370,  
M.C.R. 1130.

The Secretary of the Interior, under date of January 4, 1906 (I T D 4764, 5432-1904), remanded to the Commissioner to the Five Civilized Tribes the records in the Mississippi Choctaw cases of Nancy Agloff, nee McArthur, et al., and Emma Taylor, et al., for the purpose of ascertaining if the applicants in said cases are entitled to identification as Mississippi Choctaws by reason of being the descendants of a person who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830.

The Department, in remanding the cases, states:

"The records of the Indian Office show that there was a full-blood Choctaw named Yearby, or Yearbey, or Yeahbee, who resided in the old Choctaw Nation, Mississippi, in 1830, as the head of an Indian family. One of his children was named Tikalee, alias Tikaler or Tick Cellar. Attempt was made by the head of this family, on behalf of himself and his children, as said records show, to comply with article 14 of the treaty referred to above. After living for some time upon the land claimed by him, this Yearby removed with his family to Hancock County, Mississippi."

The Department directed that an investigation be made to ascertain the facts concerning the ancestry of the applicants in this case and to arrange an appointment for the taking of testimony at some place mutually convenient for all the parties in interest, resorting to field investigation if necessary.

The Department also stated:

"It is desired that this investigation be not confined to a hearing and adjudication of testimony to be presented by the applicants, but that you institute such an examination as may be necessary to bring out all of the facts concerning the ancestors of these applicants, and that such examination be made as complete as was indicated by the Department in its letter of April 2, 1903, concerning the case of Harriett Adkins, M.C.R. 4964."

In conformity with the Department's instructions there were prepared by the Commissioner to the Five Civilized Tribes under date of February 10, 1906, notices to Nancy Agloff, nee McArthur, at Waveland, Hancock County, Mississippi; Emma Taylor, at Gainesville, Hancock County, Mississippi, the last known post office addresses of the applicants; John S. Hagler, at Bowie, Texas, who appeared as the applicants' attorney at the time of the submission of their original applications; and to Vansfield, Mc Murray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, advising them that the Commissioner to the Five Civilized Tribes would, at the Court House at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20th, 1906, at ten o'clock A. M., hear the testimony of the applicants and such witnesses as might be presented in support of their claims to identification as Mississippi Choctaws.

In order to insure the attendance of the applicants at the appointment indicated, there were also issued subpoenas addressed to Nancy Agloff and Emma Taylor, summoning them to appear before the Commissioner to the Five Civilized Tribes at the Court House in Bay St. Louis, Hancock County, Mississippi, on March 20th, 1906.

The subpoena addressed to Nancy Agloff was personally served upon her by the sheriff of Hancock County, Mississippi, on the 26th day of February, 1906, and the subpoena addressed to Emma Taylor was returned by the sheriff of Hancock County, Mississippi, to this office with the information that he had been reliably informed that the said Emma Taylor was dead.

March 7, 1906, there was filed with this office by Albert J. Lee, who signs himself as the attorney for the petitioners, a motion requesting the continuance of the hearing in this case for a period of ninety days, and that a date be set by the Commissioner to the Five Civilized Tribes for the taking of the testimony in this case at some time subsequent to the 1st day of June, 1906, at Bay St. Louis in the State of Louisiana or at such other places in the States of Mississippi and Louisiana as may be mutually convenient to all parties in interest.

The filing of the motion for the continuance by Albert J. Lee, on March 7, 1906, is the first appearance ever entered by said attorney in this case, either before this office or before the Department, as the attorney for the applicants. The motion requests that the rehearing be transferred from the Land Office at Ardmore, Indian Territory, to the Court House in Bay St. Louis, Louisiana, and assigns as reasons therefor that none of the applicants resides at this time at Ardmore or at any other place in the Indian Territory; that it would be a physical impossibility for the attorney to ascertain the whereabouts of the applicants and procure the evidence necessary to be presented at said rehearing at the time specified by the Commissioner; that it will be necessary for the attorney to locate the applicants whom he believes are now living at Bay St. Louis in the State of Louisiana, and to confer with them in the matter of the required proof, and that further time will be necessary for the attorney to arrange for the presentation of such proof in an orderly and connected manner. It is also alleged by the attorney that the appointment at Ardmore for the 16th day of March, 1906, was made by the Commissioner without conferring or consulting with the attorney for the petitioners, and is not convenient for the parties in interest and would work a hardship upon the applicants in their inability to make the proof required at the present time.

(3)

The motion submitted presents a somewhat remarkable state of facts. None of the applicants nor their attorney have ever been advised of any hearing by the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Friday, March 16th, 1906, at four o'clock P. M. The only hearing in this case to be had by the Commissioner to the Five Civilized Tribes in conformity with the Department's instructions of January 4, 1906, is at the Court House at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20th, 1906, at ten o'clock A. M.

The allegations made by the attorney in his motion for a continuance herein, are not substantiated by the records of this office, inasmuch as it is alleged that these applicants did remove to the Indian Territory where they remained until after their rejection by the Commission to the Five Civilized Tribes and then returned to the States of Mississippi and Louisiana. The records of this office show that the applicants in this case have continuously resided in the neighborhood of Bay St. Louis, Mississippi, and have never removed to the Indian Territory; and that they were located at their last known post office addresses, Waveland and Gainesville, Hancock County, Mississippi, the post offices given by the applicants at the time of the submission of their original applications to the Commission to the Five Civilized Tribes, December 18, 1900, and May 24, 1901.

The Commissioner believes it to be the policy and desire of the Department to secure information which will enable a determination of the question as to whether the applicants in this case are the descendants of a person who was a beneficiary under the provisions of the 14th article of the Choctaw treaty of September 27th, 1830, and that this information can best be secured by visiting the locality in which these persons now live.

The Commissioner fails to see any reason for a further continuance in this matter, and inasmuch as sufficient notice has been furnished the applicants, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations, the motion submitted by Albert J. Lee praying for a continuance of ninety days in this matter is denied, and the Commissioner will, as specified in the notice furnished the applicants, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations, hear the testimony in this case at the Court House at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20th, 1906, at ten o'clock A. M.

SIGNED

*Tamm Dwyer*

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAR 10 1906

COPY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Emma Taylor, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1130.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Emma Taylor for herself and her minor child, Wilson Taylor, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Yearby, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen



hundred and thirty, through his son, Tikeli Yarby, who is alleged to have been a full-blood Choctaw Indian, and Sallie Yarby, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Yearby appears on pages 613, 614, 695 and 808, the name Yearbey on pages 691, 692, 694 and 785, the name Yeahbee on pages 613, 614, 780, 807 and 808, and the name Tikalee on page 808 and Tikaler (or Tick-celler) on page 614 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, wherein, among other things, it appears that on September 30, 1854 the claims of the above named persons were rejected by the Hon. R. McClellan, Secretary of the Interior. However, it does not appear from the evidence submitted in support of said application that the ancestors, through whom these applicants claim, are identical with the persons whose names appear in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possess-



ion of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Yearby, or Tikeli Yarby, through whom these applicants claim, or Sallie Yarby, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to Adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma Taylor and Wilson Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Dixie.  
Chairman.

(SIGNED)

T. B. Needles.  
Commissioner.

(SIGNED)

C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,

MAY 12 1874

Commissioner.

COPY

M.C.R. 1130

Muskogee, Indian Territory, May 12, 1904.

Kansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 12, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of ~~Emma~~ Taylor et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Incl. MCR 1130.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**JUN 18 1904**

A handwritten signature in dark ink, appearing to be 'T. R. L.', is written over the 'FILED' and date stamp.

CHAIRMAN.

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*Returned  
to writer*

*12334  
11262*

MUSKOGEE, IND. TER.  
MAY 14 1904  
REGISTERED



*Addressee*

*Deceased*

Emma Taylor,

Gainesville, Mississippi.

*Aug 14 40  
52  
7*



JUN 10 1904

W. O. B.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM O. BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1130

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 12, 1904.

Emma Taylor,

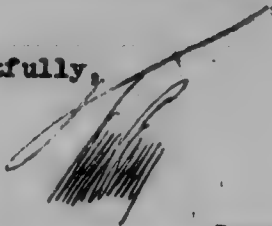
Gainesville, Mississippi,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing your application for the identification of yourself and your son Wilson Taylor as Mississippi Choctaws.

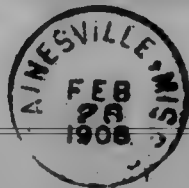
You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Chairman.

Registered.



Feb 26. 08

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

2247



21458

*Returned to writer  
Addressee deceased*

Emma Taylor,

Gainesville, Hancock Co.,

Mississippi.





REFER IN REPLY TO THE FOLLOWING

M C R 1130

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 10th, 1906.

Emma Taylor,  
Gainesville, Hancock County,  
Mississippi.

Dear Madam:

There is enclosed herewith for your information, copy of Departmental letter of January 4, 1906 (I T D 4764, 5432-1904), accompanied by the report of the Acting Commissioner of Indian Affairs of June 9, 1904 (Land 36702-1904), in the matter of the application made by you for the identification of yourself and minor child as Mississippi Choctaws; also copy of the report of the Acting Commissioner of Indian Affairs of July 1, 1904 (Land 33621-1904), in the Mississippi Choctaw case of Nancy Agloff, nee McArthur, et al.

In conformity with the Department's instructions you are hereby notified that the Commissioner to the Five Civilized Tribes will, at the Court House at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20th, 1906, at ten o'clock A. M., hear your testimony and the testimony of such witnesses as you may desire to present in support of your claim to identification as a Mississippi Choctaw.

You should at said time and place present such evidence as you may be able to secure, either in the form of the personal

Emma Taylor 2

testimony of witnesses or copies of records, relative to your  
Choctaw ancestors.

Respectfully,

A handwritten signature in cursive script, appearing to read "W. O. Brown".

Acting Commissioner.

Registered.

MCM 10/12

D.G. 998-1906  
I.T.D. 4764, 5432-1904

(Copy)

J.W.H.  
LLB  
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 4, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On May 14 and May 28, 1904, the Commission to the Five Civilized Tribes transmitted the records in the Mississippi Choctaw cases of Nancy Agloff, nee McArthur, et al. and Emma Taylor et al., respectively.

The persons named above and their children, who are also applicants for identification as Mississippi Choctaws, are residents of Hancock County, Mississippi. The principal applicants in said cases are nearly full-blood Choctaws, who understand and use the Choctaw language.

Descent is claimed in these cases through certain ancestors by the name of Yarby or Yearby, one of whom was also known as Tikeli Yearby. The latter was living when the testimony was taken.

It is claimed by and on behalf of certain of the applicants that their ancestor Yearby attempted to comply with article 14 of the treaty of September 27, 1830.

The records of the Indian Office show that there was a full-

blood Choctaw named Yearby, or Yearby, or Yeahbee, who resided in the old Choctaw Nation, Mississippi, in 1830, as the head of an Indian family. One of his children was named Tikalee, alias Tikaler or Tick Collar. Attempt was made by the head of this family, on behalf of himself and his children, as said records show, to comply with article 14 of the treaty referred to above. After living for some time upon the land claimed by him, this Yearby removed with his family to Hancock County, Mississippi.

It is noted that the testimony in these cases was taken in 1900 and 1901, respectively, and is much less complete than that taken subsequent to the Department's instructions to the Commission to the Five Civilized Tribes relative to the cases of Lizzie Woodard and Harriett Adkins.

It does not appear from the record in the case of Emma Taylor that any testimony was taken relative to the parents of her mother, Sallie Yearby, nor does it appear that any effort was made to secure the testimony of her father, Tikeli Yearby, who was then living.

Notwithstanding the testimony was taken in these cases early in the work of identifying Mississippi Choctaws, considerable evidence was obtained tending to show that the ancestors from whom applicants claim descent were the identical persons of the same name referred to in the records of the Indian Office who attempted to comply with article 14 of the treaty of 1830. It is therefore considered that in view of the ancestry of the appli-

ants their cases should be consolidated and further investigation be made to the end that it may be determined whether the ancestors claimed by the applicants are identical with the persons of the same name referred to in the records of the Indian Office.

Additional investigation is also necessary for the further reason that the record does not disclose that the attorneys for the Choctaw and Chickasaw Nations were present at any of the hearings.

It is desired that this investigation be not confined to a hearing and adjudication of testimony to be presented by the applicants, but that you institute such an examination as may be necessary to bring out all of the facts concerning the ancestors of these applicants, and that such examination be made as complete as was indicated by the Department in its letter of April 2, 1903, concerning the case of Harriett Adkins, M.C.R.4964.

You are directed to make this investigation, and in so doing to arrange an appointment for the taking of testimony at some place mutually convenient to all the parties in interest, resorting to field investigation if necessary. You are also authorized to prepare interrogatories covering the pertinent points in issue to be propounded with cross-interrogatories to the applicants and their witnesses, to the end that their family history may become fully a matter of record.

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The records in said cases, with the Indian Office letters relating to them, are inclosed herewith, and you will advise all parties in interest of the questions in issue.

Respectfully,

(signed) THOS. RYAN,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

4 inclosures.

Refer in reply  
to the follow-  
ing: Land  
33621-1904

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, July 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith for Departmental action a report of the Commission to the Five Civilized Tribes dated May 14, 1904, transmitting therewith the record in the case of Nancy Agloff, nee McArthur et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 30, 1904, denying said application. Applicant, Nancy Agloff, nee McArthur, for herself and her minor child, Arthur Agloff, claims rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being a descendant of one Amelia Yearby, who is alleged to have been a Choctaw Indian, (degree of blood not stated) and the grandmother of principal applicant, Nancy Agloff nee McArthur.

It appears from the evidence and from the records submitted before the Commission that neither of said applicants



--2--

has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

A careful examination of the records of this office discloses that one Ho-to-ney alias Ho-tunnee had a son named Year-by alias Yeahbee who had five children, namely: Tik-a-ler alias Tick Collier, On--a-hah-ha-mah, Way-tub-bee, Hia-la-lah and Nan-che-mah, dead, no issue. It does not appear that Yearby ever had a daughter or descendant, named Amalia Yearby through whom applicants claim. The records further show that Year-by was a claimant for scrip under subsequent legislation relative to article 14 of the treaty of 1830 and that his claim therefor was rejected. The Commission states that the principal applicant herein "appears to be the descendant of mixed ancestry composed of white and Choctaw blood, that her claim to being one-half Choctaw and one-half white seems to be substantiated by her general appearance and speaks the Choctaw language fluently." Applicants have failed to show that Amalia Yearby is a descendant of Yearby nor do the records of this office show that Amalia Yearby or Yearby, the ancestors through whom applicants claim descent,

--3--

ever complied with the provisions of article 14 of the treaty of 1830 or received lands thereunder, or scrip under subsequent legislation relative thereto.

I therefore, recommend that the decision of the Commission of March 30, 1904 refusing to identify Nancy Agloff, nee McArthur and Arthur Agloff as Mississippi Choctaw Indians be affirmed.

---

Very respectfully,

A. C. Tonner,

Acting Commissioner.

CR

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C

Refer in reply  
to the follow-  
ing: Land  
36702-1904

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Emma Taylor, for the identification of herself and her minor child, Wilson Taylor, as Mississippi Choctaws, wherein a decision was rendered by the Commission on May 12, 1904, rejecting said applicants.

The record in this case shows that the applicants found their claims to a right to identification on their descent from Yearby and his son Tikeli Yearby. It is claimed that these ancestors were residents of the Choctaw Nation in Mississippi in 1830, and that Yearby was the head of a family at that time, and was a recognized member of the Choctaw tribe. As to whether Yearby or Tikeli Yearby took the steps necessary to make full compliance with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, the witness Emma Taylor is unable to state. She is unable to speak English with freedom and was examined through an interpreter. While she states that there was

some white blood in her ancestors, still the Commission says she appears to be a full blood Choctaw.

The Commission states in its record that the name Yearby appears on pages 613, 614, 695 and 808, and the name Yearbey on pages 691, 692, 694, and 785, and the name Yeahbee on pages 613, 614, 780, 807, and 808, and the name Tikalee on page 808, and Tikaler (or Tick-coller) on page 614, volume 1, of the record in the case of the

Choctaw Nation against the United States before the Court of claims. The Commission further says it does not appear from the evidence before it relating to persons who complied or attempted to comply with the provisions of Article Fourteen of the Choctaw Treaty that Yearby or Tikeli Yarby, through whom these applicants claim, or Sallie Yarby, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty, and the applicants were accordingly rejected.

The records of this Office show that Yearby, whose name was also given in the records as Yeahbee, was an applicant for scrip before one of the Commissions sitting in Mississippi under the provisions of law with reference to the investigation of these claims, and that he had in 1830 five children, the oldest being named Tik-a-lee or Tick-coller, a son over ten years of age, Ona-nah-he-nah, a daughter, Hi-a-la-lah,

a daughter, Way-tubbee, a son, and Nan-che-mah, a daughter who died without issue. His application was rejected because of failure to comply with all of the conditions of the Fourteenth Article. His mother was named Hotoney. She was also an applicant for scrip and her application was also rejected. The names and pages given by the Commission as appearing in volume 1 of the record in the case of the Choctaw Nation against the United States before the Court of Claims, all refer to the same person, whose name is given herein as Yearby.

The applicants in this case are residents of Mississippi and while the record is fairly satisfactory as to their descent for the Yearby of the record, he having been refused scrip, they are not entitled to identification as Mississippi Choctaws, and since they are not now residents of the Choctaw Nation, Indian Territory and never have been, it will be impossible to consider their Mississippi Choctaw application as an application for enrollment as Choctaws by blood.

I therefore recommend that the decision of the Commission rejecting them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.-L.C.

M C R 1130

M C R 2370

COPY.

Muskegee, Indian Territory, February 10th, 1906.

Mansfield, McFurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Commission to the Five Civilized Tribes on March 30, 1904, rendered a decision refusing the application for the identification of Nancy Agloff, nee McArthur, and Arthur Agloff, as Mississippi Choctaws. Said Commission also on May 12, 1904, rendered a decision refusing the application for the identification of Emma Tayler and Wilson Tayler as Mississippi Choctaws.

The Secretary of the Interior, under date of January 4, 1906 (I T D 4764, 5432-1904), returned the record in these two cases for further investigation, and for the purpose of determining whether the ancestors through whom the applicants claim are identical with the persons of the same name who appear from the records of the Indian Office to have been beneficiaries under the provision of the 14th article of the Choctaw treaty of 1830.

The Department in returning these cases states as follows:

"It is desired that this investigation be not confined to a hearing and adjudication of testimony to be presented by the applicants, but that you institute such an examination as may be necessary to bring out all of the facts

M M M & C 2

concerning the ancestors of these applicants, and that such examination be made as complete as was indicated by the Department in its letter of April 2, 1903, concerning the case of Harriet Adkins, M O R 4964.

You are directed to make this investigation, and in so doing to arrange an appointment for the taking of testimony at some place mutually convenient to all the parties in interest, resorting to field investigation if necessary. You are also authorized to prepare interrogatories covering the pertinent points in issue to be propounded with cross-interrogatories to the applicants and their witnesses, to the end that their family history may become fully a matter of record."

I enclose herewith for your information, copy of Departmental letter of January 4, 1906 (I T D 4764, 5432-1904), also copy of the report of the Acting Commissioner of Indian Affairs of June 9, 1904 (Land 36702-1904), in the Mississippi Choctaw case of Emma Taylor, et al.; also copy of the report of the Acting Commissioner of Indian Affairs of July 1, 1904 (Land 33621-1904), in the Mississippi Choctaw case of Nancy Agloff, et al.

In conformity with the Department's instructions you are hereby notified that the Commissioner to the Five Civilized Tribes will, at the Court House at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20th, 1906, at one o'clock P. M., hear the testimony of the applicants, Nancy Agloff, nee McArthur, and Emma Taylor, and the testimony of such witnesses as may be introduced in reference to the Choctaw ancestry of the applicants, and the compliance or attempted compliance of such ancestors with the



N. B. & C. S.

provisions of the 14th article of the Chapin treaty of September  
27th, 1830.

Respectfully,

SIGNED

*Wm. O. Beall.*  
Acting Commissioner.

Registered.

Nov 10/9

M C R 2370

M C R 1130

COPY.

Muskogee, Indian Territory, February 10th, 1906.

John S. Hagler,  
Attorney at Law,  
Bowie, Texas.

Dear Sir:

The Commission to the Five Civilized Tribes on March 30, 1904, rendered a decision refusing the application for the identification of Nancy Agloff, nee McArthur, and Arthur Agloff, as Mississippi Choctaws. Said Commission also on May 12, 1904, rendered a decision refusing the application for the identification of Emma Taylor and Wilson Taylor as Mississippi Choctaws.

The Secretary of the Interior, under date of January 4, 1906 (I T D 4764, 5432-1904), returned the record in these two cases for further investigation, and for the purpose of determining whether the ancestors through whom the applicants claim are identical with the persons of the same name who appear from the records of the Indian Office to have been beneficiaries under the provisions of the 14th article of the Choctaw treaty of 1830.

The Department in returning these cases states as follows:

"It is desired that this investigation be not confined to a hearing and adjudication of testimony to be presented by the applicants, but that you institute such an examination as may be necessary to bring out all of the facts

John S. Hagler 2

concerning the ancestors of these applicants, and that such examination be made as complete as was indicated by the Department in its letter of April 2, 1905, concerning the case of Harriet Adkins, M C R 4964.

You are directed to make this investigation, and in so doing to arrange an appointment for the taking of testimony at some place mutually convenient to all parties in interest, resorting to field investigation if necessary. You are also authorized to prepare interrogatories covering the pertinent points in issue to be propounded with cross-interrogatories to the applicants and their witnesses, to the end that their family history may become fully a matter of record."

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In conformity with the Department's instructions you are hereby notified that the Commissioner to the Five Civilized Tribes will, at the Court House at Bay St. Louis, Hancock County, Mississippi, on Tuesday, March 20th, 1906, at one o'clock P. M., hear the testimony of the applicants, Nancy Agloff, nee McArthur, and Emma Taylor, and the testimony of such witnesses as may be introduced in reference to the Choctaw ancestry of the applicants, and the compliance or attempted compliance of such ancestors with the provisions of the 14th article of the treaty of 1830.

Respectfully,

Registered.  
McM 10/10

SIGNED

Wm. O. Beall.  
Acting Commissioner.

I, ..... do solemnly swear that I am ..... years  
of age, and that on the ..... day of ..... 190..., in the .....  
Nation, Indian Territory, I served the within Subpoena on the within named .....  
.....  
by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... day of ..... 190.....

No. ....

**SUBPOENA.**

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To Emma Taylor,  
Gainesville, Hancock Co., Mississippi.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Bay St. Louis, Hancock Co., in the Mississippi, ~~Indian Territory~~  
Indian Territory on the 20th day of March, 1906, to testify before said Commissioner in the matter of the application for your identification  
as a Mississippi Choctaw.

Dated at Muskogee, Ind. Ter. this 20th day of February, 1906.

SIGNED

*W. O. Beall*  
 Acting Commissioner.

REFUSED.

*Emma Taylor et al.*

NOTICE OF DECISION TO REMAND

APR 1904

COPY OF DECISION FORWARDED

TO THE SECRETARY

RECORDS - REMANDMENT.

MAY 13 1904

REMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING.

JAN -4 1906

RECEIVED AND FORWARDED DEPARTMENT

APR 1906

ACTION TAKEN

RECEIVED

NOTICE OF DEPARTMENTAL ACTION  
FORWARD TO BUREAU OF LANDS

NOTICE OF DEPARTMENTAL ACTION  
FORWARD TO BUREAU OF LANDS  
AND TO THE COMMISSIONERS

*Refer to MCR 2370.*

No. 1130

For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name Emma Taylor

Age 39 Blood 7/8

Post Office, Jamesville Miss

Father: Tekeli Yearby

Mother: Sallie Yearby

Claims through Both parents.

Children:

Wilson Taylor 15.

Father:

John Taylor: Dead.

Stenographer:

Frances R. Brown



Choc MCR 1131 John Allen

MCR 1131

RECEIVED.

*John Allen et al.*

DECISION RENDERED. MAR 12 1904

IDENTIFIED MAR 12 1904

COPY OF DECISION FORWARDED

APPLICANT MAR 16 1904

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS.

MAR 16 1904

*Copies 1047*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

-oOo-

In the matter of the application of John Allen, et al.,  
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of  
John Allen, et al., for identification as Mississippi  
Choctaws, M.C.R. 1131.

-oOo-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Allen, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1131.

--: I N D E X :--

	(Page)
Original application of John Allen, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Willie Taylor-----	4
Decision of the Commission identifying said applicants as Mississippi Choctaw Indians-----	5

-oOo-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hattiesburg, Mississippi, December 18, 1900.

In the Matter of the Application for Identification as a  
Mississippi Choctaw of John Allen, et al.

John Allen, having been first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A John Allen.  
Q What is your age? A 29 years.  
Q What is your postoffice address? A Gainesville, Miss.  
Q Do you live at or near Gainesville? A Near by; about 6 miles.  
Q How long have you lived in Mississippi? A I was born there  
Q You were born in Mississippi and have been living in Mississippi all your life? A Yes sir.  
Q You never lived in the Indian Territory? A No sir.  
Q What is your father's name? A Thomas Allen.  
Q Is he living? A No sir.  
Q Was he a full blood Choctaw? A Yes, full blood.  
Q What is your mother's name? A Louisa Allen.  
Q Is she living? A Yes sir.  
Q Is she a full blood Choctaw Indian? A Yes sir.  
Q Then you claim to be a full blood Choctaw do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw nation? A No  
Q Did you or did anyone in your behalf in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation in the Indian Territory under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw nation by a judgment of the United States Court in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q Have you prior to this time, made any application to either the tribal authorities of the Choctaw Nation in the Indian Territory or to the authorities of the United States, for citizenship or enrollment as a Choctaw Indian? A No sir.  
Q Is it now your intention to make application for identification as a Mississippi Choctaw? A (No answer)  
Q Do you want to be identified as a Mississippi Choctaw? (No ans.)  
Q What did you come up here for? A Yes, I needed it.  
Q Do you mean by that it is now your purpose to make application for lands in the Indian Territory in the event that your identified by this Commission as a Mississippi Choctaw? A I don't understand.

Through Interpreter Wm. Lee, who was duly sworn.

- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes sir.  
Q Do you claim under the 14th article of the treaty of 1830? A No, he don't know anything about it.  
Q What is the name of your ancestor who was in Mississippi in 1830? A Tekili Yearby.  
Q Was this man Yearby a recognized member of the Choctaw tribe of Indians in 1830? A That's all right.  
Q What is all right? Was he a recognized member of the tribe?  
A Yes, he was raised here.  
Q You don't know whether he was a recognized member of the tribe at that time, do you? A He don't understand.  
Q He don't know, does he? A No, he don't know; that is what he meant.

2-John Allen.

- Q Did your grandfather, Yearby, remain in Mississippi after the conclusion of the treaty of 1830, or did he remove to the Indian Territory with other members of his tribe? A He don't know.
- Q Did your grandfather Yearby signify to the United States Indian Agent of the Choctaw Indians in Mississippi, his intention to remain and become a citizen of the United States? A He says he don't know.
- Q Did any of your forefathers ever claim or receive any land in Miss. A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife a Choctaw Indian? A Yes sir.
- Q What is your wife's name? A Beely.
- Q Are you claiming for her as well as yourself? A Yes sir.
- Q Have you any children under 21 years of age? A Yes sir.
- Q What are their names and ages? A Rosa 6 years, Isaac 4 years, Evelyn 2 years and Leona 2 months.
- Q Do these children live with you at your home? A Yes sir.
- Q What is the name of your wife's father? A Joe Hudson.
- Q Is he living? A No sir.
- Q What is the name of your wife's mother? A Louisa Hudson.
- Q Is she living? A No sir.
- Q You say your wife is a full blood Choctaw, is she. A Yes sir.
- Q De you know the name of her father's father?  
Through Interpreter Halbert.
- A He don't know.
- Q Do you know the name of your wife's father's mother?  
A He knows it but he has forgotten it.
- Q Do you know the name of any of your wife's grandparents?  
A Mary is the name of his wife's mother's mother.
- Q Mary what? A Mary Thomas.
- Q Was Mary Thomas living in 1830? A He don't know.
- Q Is your wife's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, he don't know anything about it.
- Q Did your wife ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation?  
A She didn't.
- Q Did your wife ever prior to this time, make any application to the tribal authorities of the Choctaw nation or to the authorities of the United States for either citizenship or enrollment as a Choctaw Indian? A She didn't.
- Q Was your wife admitted to citizenship in the Choctaw Nation in the Indian Territory by a judgment of the United States court?  
A She didn't.
- Q Did Mary Thomas remain in Mississippi after the conclusion of the Treaty of 1830, or did she remove to the Indian Territory with other members of the tribe? A She didn't emigrate.
- Q She remained in Mississippi, did she? A Yes sir.
- Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi, her intention to remain and become a citizen of the United States? A He don't know.
- Q Did Mary Thomas or any of your wife's forefathers even claim or receive any land in Mississippi? A They didn't.
- Q Is there any additional statement that you would like to make at this time in support of this application on behalf of your wife, or on behalf of yourself or your children? A No sir.

Upon a careful consideration of the testimony offered in this case, the Commission will render its decision a copy of which will be mailed you at your present postoffice address.

Memo: This man looks like a full blood Indian.

-----  
Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above

3-Edna Allen

and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Francis R. Brown*

Subscribed and sworn to before me this 8th day of  
January, 1901.

*John H. Huber.*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.

-0-  
Decatur, Newton County, Mississippi, Wednesday, February 8, 1899.

-0-  
Applications for identification as Mississippi Choctaws.

Willie Taylor, recalled: I am 25 years old. I want to give  
in for my cousin, John Allen, 36 years old, a full blood. His wife  
is a full blood named Sealy, 24 years old. They have the following  
children, Rosie, 6, and Isaac 3 three years old.

- o -

Harry C Risteen, stenographer to the Commission to the Five  
Civilized Tribes, being first duly sworn, upon his oath states: That  
the above and foregoing is a full, true and correct transcript of  
the proceedings had in the matter of the application for the iden-  
tification of John Allen, et al., as Mississippi Choctaws at Decatur,  
Mississippi, on the 8th day of February, 1899, as appears upon the  
records of the Commission.

*Harry C Risteen*

Subscribed and sworn to before me this 25 day of February, 1903.

*Charles D. Sawyer*

Notary Public

*PL*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-ooo-

In the matter of the application of John Allen, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1131.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by John Allen for himself, his wife, Seely Allen, and his four minor children, Resa, Isaac, Evelylin and Leona Allen, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 395):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act

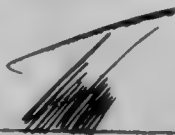
(2)

to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that John Allen, Seely Allen, Rosa Allen, Isaac Allen, Evylin Allen and Leona Allen should be identified as Mississippi Choctaw Indians, and it is so ordered.

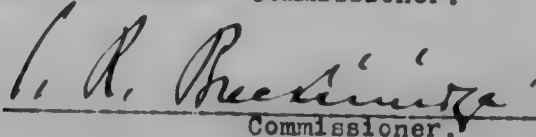
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



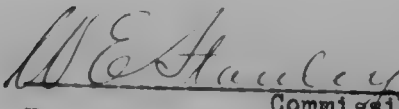
Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAR 12 1904



Commissioner.

M.C.R. 1131

COPY:

Muskogee, Indian Territory, March 16, 1904.

John Allen,

Gainesville, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying you, your wife Beely Allen, and minor children Rosa, Isaac, Evelylin and Leona Allen, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 12, 1904, and must make proof of such removal and settlement on or before March 12, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

Enc. MCR 1131.

COPY,

M.C.R. 1131

Muskogee, Indian Territory, March 16, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Cheetaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying John Allen, his wife Seely Allen, and minor children Rosa, Isaac, Evelylin and Leona Allen, as Mississippi Cheetaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said John Allen, wife, and children, as Mississippi Cheetaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Cheetaws now being prepared by this Commission.

Respectfully,

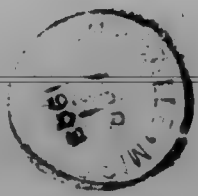
(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.  
Enc. MCR 1131.

1131



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE UNITED STATES  
**FILED**

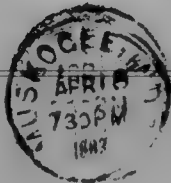
MAY 4 1903

*[Handwritten signature]*

CHAIRMAN



Returned to sender  
Post Office, Muskogee



# Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~John Allen,~~

~~Gainesville, Mississippi.~~





Muskogee, Indian Territory, April 16, 1903.

John Allen,

Gainesville, Mississippi.

Dear Sir:

It appears from our records that on December 18, 1900, you appeared before this Commission at Hattiesburg, Mississippi, and there made application for the identification of yourself, your wife Seely, and four minor children, Rosa, Isaac, Evelyn and Leona Allen as Mississippi Choctaws.

From your testimony at that time it is impossible to determine whether or not your wife, Seely, is a full blood Choctaw, and for the purpose of obtaining this information in proper form there is enclosed you herewith a blank affidavit, in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning the same to this Commission in the enclosed envelope which requires no postage. This matter should receive your prompt attention.

Respectfully,

Chairman.

COMMISSIONERS:

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1903.

Wm. O. Beall,

Clerk in Charge,

Choctaw-Chickasaw Enrollment Division,

Sir:

There has been transmitted to the Mississippi Choctaw Legal Department, for the preparation of a decision, the application of John Allen, M.C.R. 1131, wherein he makes application for himself, his wife, Seely Allen, and his four minor children, Rosa, Isaac, Evelylin and Leona Allen, as Mississippi Choctaws.

This case was forwarded as a "full-blood" case but the record does not show that the parents of the principal applicant's wife were full bloods, and it is, therefore, impossible to prepare a decision identifying her or the minor children herein applied for, as full blood Mississippi Choctaws, and the record is, therefore, returned to the files for such action as may be deemed necessary.

Respectfully,

*L. Johnson*

Law Clerk.

*Information  
Requested 4/14/03*



1151

*File*



Commission to the President of the United States

**FILED**

**OCT 19 1903**

A handwritten signature in ink, appearing to be "J. B. [illegible]".

CHAIRMAN

General Office M. C. R.

Advised that testimony of  
whether wife is full blood  
Choctaw or not, is necessary.  
Blank affidavit.  
Env.

*Returned to writer  
Office Address unknown,*

John Allen,

Gainesville, Mississippi.

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER

OFFICIAL BUSINESS

Penalty for private use, \$300.



W.C.B.

COMMISSIONERS:

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.1131.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1903.

John Allen,

Gainesville, Mississippi.

Dear Sir:

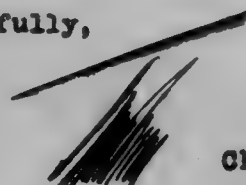
It appears from our records that on December 18, 1900, you appeared before the Commission at Hattiesburg, Mississippi, and there made application for the identification of yourself, your wife, Seely, and four minor children, Rosa, Isaac, Evelyn and Leona Allen, as Mississippi Choctaws.

From your testimony at that time it is impossible to determine whether or not your wife, Seely, is a full blood Choctaw, and for the purpose of obtaining this information in proper form there is enclosed you herewith blank affidavit in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning same to this Commission in the enclosed envelope, which requires no postage.

This matter should receive your prompt attention.

Respectfully,

Env  
-JYM-1-



Chairman.

STATE OF MISSISSIPPI, )  
County of \_\_\_\_\_ ) ss

Before me, the undersigned authority, personally appeared John Allen, who being first duly sworn, on his oath testified as follows:

Q What is your name, age, and post office address? A

Q Are you the identical John Allen who, on December 18, 1900, appeared before the Commission to the Five Civilized Tribes, at Hattiesburg, Mississippi, and there made application for the identification of himself, his wife, Seely, and four minor children, Rosa, Isaac, Evelyn and Leona Allen, as Mississippi Choctaws?

A

Q How old is your wife, Seely at this time? A

Q Is she a full blood Choctaw; if not, how much Choctaw blood does she possess? A

Q What is her father's name? A

Q Is he living or dead? A

Q Was he a full blood Choctaw? A

Q What is your wife's mother's name? A

Q Is she living or dead? A

Q Was she a full blood Choctaw? A

Q Is your wife, Seely, the mother of the four children for whom you made application? A

-----  
\_\_\_\_\_  
Witnesses to  
mark.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
1903.

Notary public.

M.C.R.1131.

Muskogee, Indian Territory, August 27, 1903.

John Allen,

Gainesville, Mississippi.

Dear Sir:

It appears from our records that on December 18, 1900, you appeared before the Commission at Hattiesburg, Mississippi, and there made application for the identification of yourself, your wife, Seely, and four minor children, Rosa, Isaac, Evelyn and Leona Allen, as Mississippi Choctaws.

From your testimony at that time it is impossible to determine whether or not your wife, Seely, is a full blood Choctaw, and for the purpose of obtaining this information in proper form there is enclosed you herewith blank affidavit in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning same to this Commission in the enclosed envelope, which requires no postage.

This matter should receive your prompt attention.

Respectfully,

Env  
-JYM-1-

Chairman.



W. O. B.

COMMISSIONERS:  
TAMM DIXIE,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1131.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 3, 1903.

H. Van V. Smith,  
Special Agent of the Government,  
Meridian, Mississippi.

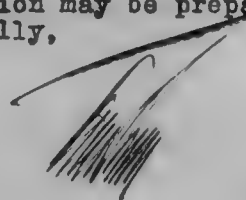
Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of John Allen, of Gainesville, Mississippi, for the identification of himself, his wife, and four minor children, as Mississippi Choctaws.

The principal applicant in this case failed to state the degree of Choctaw blood possessed by the parents of his wife; and you are directed, if possible, to secure from John Allen, or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable, relative to the parents of the wife of the principal applicant.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Chairman.

Enc.: M.C.R. 1131.

Meridian, Mississippi, September 23, 1903

John Allen,

Gainesville, Mississippi.

Dear Sir-

It appears from the records of the Commission that on December 18, 1900, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 8.  
M O R 1131.

Special Agent.

Meridian, Mississippi, November 17, 1903.

John Allen,

Gainesville, Mississippi.

Dear Sir-

Under date of September 23, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 18, 1900, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 8

Special Agent.

## For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name John Allen

Age 29 Blood Full.

Post Office, Gainesville, Miss

Father: Thomas Allen Dead

Mother: Louisa Allen: Living

Claims through Both parents

Wife: Lucy Allen

Father: Joe Hudson Dead

Mother: Louisa Hudson Dead

## Children:

Rosa Allen 6

~~Ellas Allen 4~~

Isaac Allen 4

Evelyn Allen 2

Leona Allen 2 mo.

Stenographer

Francis R. Brown.

Choc MCR 1132 Alice M. Randall

see MCR 704

MCR 1132

CLASSIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Alice M. Randall et*

REFUSED.

DECISION RENDERED. APR 18 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

APR 21 1902

RECORD FORWARDED DEPARTMENT.

APR 21 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 2 1902

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY 10 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAY 10 1902

REFER TO M. C. R. 704

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Alice M. Randall and her four minor children. Alice M. Randall being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

Q What is your name? A Alice M. Randall.  
Q What is your age? A Forty-one.  
Q What is your post-office address? A Maben.  
Q Mississippi? A Yes sir.  
Q Are you a resident of the state of Mississippi? A I am.  
Q How long have you lived here? A Forty one years.  
Q Born in Mississippi? A Yes sir.  
Q Lived here all your life and never made a residence any where else? A Yes sir.  
Q What is your father's name? A John Craze.  
Q Is he living? A He is dead.  
Q What is your mother's name? A Sarah Craze.  
Q Is your mother living? A She is.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q Your mother is a white woman? A Yes sir.  
Q How much Choctaw blood do you claim? A Well, I don't know exactly.  
Q About how much Choctaw blood? A I guess one fourth, I don't know exactly.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.  
Q You have never lived in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment or citizenship as a Choctaw? A No sir.  
Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10th, 1896, that was four years ago? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q Have you ever made any application prior to this time to either the Choctaw tribal authorities or to the authorities of the United States? A No sir.  
Q This is the first application you have ever made of any description? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands in the Choctaw Nation under the provisions of the fourteenth article of the treaty of 1830? A I don't know.  
Q You claim your right to identification as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.  
Q What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians at the time the treaty of Dancing Rabbit Creek was entered into in 1830? A Well, my grand mother was named Rheda Griffin.



Alice M. Randall 2

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi? A Yes sir.

Q Have you any evidence of that fact? A Yes sir.

Q What does it consist of? A Of written affidavits and then I have proof on that.

Q What kind of proof? A Of citizens of Mississippi, of Calhoun and Chickasaw County.

Q Citizens at the present time? A Yes sir.

Q Testifying to what fact? A That they knew my grand mother

Q But have you any documentary evidence showing conclusively that she was a recognized member of the Choctaw tribe of Indians in 1830? A Yes sir, I think I have.

Q Was she a full blood Indian? A I think so.

Q Did she have any Indian name, any Choctaw name? A That's her name that I gave you. That is all that I knew.

Q You don't know whether she ever had any other name or not? A No sir.

Q If Rhoda Griffin was a Choctaw Indian, did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi after the conclusion of the treaty of Dancing Rabbit Creek her intention to remain in Mississippi and become a citizen of the United States? A I don't know.

Q Did she ever remove to the Indian Territory? A No sir, she died in this country.

Q Did your father ever go to the Indian Territory? A No sir

Q He was born, lived and died in Mississippi? A Yes sir. I think he died in Mississippi.

Q Did Rhoda Griffin or any other of your ancestors through whom you might claim this right to identification ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.

Q Are you married? A Yes sir.

Q What is your husband's name? A Thomas C. Randall.

Q Is he a white man? A Yes sir.

Q You are not making any claim for him are you? A No sir.

Q Have you any children for whom you desire to make application? A Yes sir.

Q What are their names and ages? A Ralph.

Q How old is he? A Nine years old.

Q The next one? A Tommie, Thomas.

Q How old is he? A Seven.

Q The next one? A Moody.

Q How old is he? A Three.

Q The next one? A Vashti.

Q How old is that one? A Nine months.

Q Is that a girl? A Yes sir.

Q The other three are girls are they? A Yes sir.

Q These children have always lived with you at your home?

A Yes sir.

Q You are the mother of all four of them? A Yes sir.

Q Thomas C. Randall is the father of all four of them? A Yes sir.

Q Is there any additional statement you desire to make in support of this application? A Nothing I reckon.

Q Have you any documentary evidence that you desire to submit to the Commission for consideration in support of this application? A Yes sir.

There is offered in evidence, filed and made a part of the record in this case, the affidavits of B. A. Pillgreen, A. Murphree, R. G. Shaw and M. G. Mathis.

Q Mrs. Randall did you or your children ever receive any benefits from the Choctaw tribe of Indians in Mississippi in the Indian Territory? A No sir.

Alice M. Randall 3

Q Did you ever receive any money? A No sir.

Q If from the evidence in this case the Commission is enabled to identify you as a Mississippi Choctaw is it your intention to remove to the Indian Territory? A Yes sir.

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws, will be mailed to you at your present post-office address.

Applicant in this case is to all appearances a white woman and is able to speak the English language without difficulty. It appears however, that her parents and grand parents have always been residents of the state of Mississippi.

Myra Young, Having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of December, 1900.

[Signature]  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice M. Randall for the identification of herself and her minor children, Ralph, Thomas, Moody and Vashti Randall, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Alice M. Randall appeared before the Commission at Hattiesburg, Mississippi, December 19th, 1900, and there made application for the identification of herself and her minor children, Ralph Randall, Thomas Randall, Moody Randall and Vashti Randall, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (public No. 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Alice M. Randall and her minor children, Ralph Randall, Thomas Randall, Moody Randall and Vashti Randall, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES ,

DATED AT MUSKOGEE, INDIAN TERRITORY

ACTING CHAIRMAN.

THIS \_\_\_\_ DAY OF \_\_\_\_\_ 1901.

Copy

Mustoge, Indian Territory, April 17, 1902.

Alice M. Randall,

Nabon, Mississippi.

Dear Madam-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ollie Ross, et al., embracing the following applications for identification as Mississippi Choctaws:

Ollie Ross, et al.,	M O R 704
Alice M. Randall, et al.,	M O R 1132
Allie Hunt, et al.,	M O R 1407

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1898, (30 Stats. 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ollie Ross, Rubie Ross, Clyde Ross, Ruth Ross, Willard Ross, Mack Ross, Murray Ross, Alice M. Randall, Ralph Randall, Fannie Randall, Moody Randall, Vaghti Randall, Allie Hunt and Louis Hunt,

as Chester Indians entitled to rights in the Chester lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tamie Dixby*

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 10, 1902.

Alice M. Randall,

Maben, Mississippi.

Dear Madam:-

You are hereby advised that on the 2nd day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ollie Ross et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

Yours truly,

Commissioner in Charge



For Identification as Mississippi Choctaw.

Date DEC 18 1900

Name Alice M. Randall.

Age 41 Blood 1/4.

Post Office, Maben, Mississippi

Father: John Craze - dead

Mother: Sarah Craze - ✓

Claims through father.

## HUSBAND:

Thomas C. Randall.  
(No claim for husband).

## Children:

Ralph Randall 9

Thomas " " 7

Moody " " 3

F. Vessie " " 9 mo.

Stenographer

Myra Young.



Choc MCR 1133 Julia Petrey

MCR 1133

A MISSISSIPPI RIVER CASE NO. 113

R. 113

*Julia Petty*

REFUSED

DECISION RENDERED. JUL 28 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 28 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 28 1902

RECORD FORWARDED DEPARTMENT.

JUL 28 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 28 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

SEP - 5 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

SEP - 5 1902

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Julia Pettay for identification as a Mississippi Choctaw, M.C.R. 1133.

.....

List of papers forwarded to the Secretary of the Interior, comprising report in the case of Julia Pettay.

(Page)

Original application of Julia Pettay before the Dawes Commission as a Mississippi Choctaw.....	1
Decision of the Commission denying the application of Julia Pettay for identification as a Mississippi Choctaw .....	4

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 19, 1900.

In the matter of the application for identification as a Mississippi Cheetaw of Julia Pettey. Julia Pettey being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Julia Pettey.
- Q What is your age? A I am forty nine years old.
- Q What is your post-office address? A Shannon, Mississippi.
- Q Do you live in Mississippi? A Yes sir.
- Q How long have you lived here? A Born and raised in Mississippi.
- Q Never have resided any where else? A No sir, I never have hardly been out of the state.
- Q What is your father's name? A Thomas J. Pettey.
- Q Is he living? A No sir.
- Q What is your mother's name? A Nancy L. Pettey.
- Q Is she living? A No sir.
- Q Through which one of your parents do you derive your Cheetaw blood? A Through my father's side of the house.
- Q How much Cheetaw blood have you? A I guess about one sixteenth. I might be an eighth. I guess my grand mother was an Indian squaw.
- Q Is your name on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A Well, we thought it was but our house was burned and all of our father's papers were burned up. He was educated in the Cheetaw language. Well, he talked between the Nations, between the Indian Nations and the white men and we thought he had a claim.
- Q Now we are talking about you. Is your name on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A No sir, I have never made any application whatever.
- Q Did you ever make application to the Cheetaw authorities in the Indian Territory for enrollment as a Cheetaw Indian? A No sir.
- Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Cheetaw Nation under the act of Congress of June 10th, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Cheetaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Cheetaw tribal authorities or the decision of this Commission? A No sir.
- Q Have you ever made any application to either the Cheetaw tribal authorities or to the authorities of the United States for either citizenship or enrollment as a Cheetaw? A No sir.
- Q This is your first application of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Cheetaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Cheetaw Indian entitled to rights in the Cheetaw lands under the provisions of the fourteenth article of the treaty of 1830? A Well, on account of what my father said and then what the old settlers in our country knew. A dozen of them.
- Q You are making your claim as a beneficiary under the 14th article of the treaty of 1830? A Yes sir.
- Q You are familiar with that article of that treaty? A I have read it over.

Q What is the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians? A My father was here in 1830.

Q He was a miner then wasn't he? A He was born in 1810.

Q Then in 1830 he was twenty years old? A Yes sir.

Q What was his father's and mother's name? A His mother's name was Hilliard. She was the Choctaw.

Q She was a Choctaw Indian was she? A Yes sir.

Q Your grand father was a whiteman? A He was a white man or a Frenchman, we don't know, that is where we get the name.

Q He had no Choctaw blood? A No sir.

Q What was his name? A Pettoy. He married this Hilliard.

Q Did your father and mother and your grand father and grand mother on your father's side always live in Mississippi. A No sir they come from Carolina to North Alabama.

Q When? A I don't know.

Q Who was it come? A I don't know.

Q You stated your father was born in 1810? A Yes sir.

Q Do you know where he was born? A I don't know whether he was born in North Carolina or Alabama. I know he was born in North Carolina or Georgia.

Q When did he come to Mississippi? A In 1829 before he married. He staid here a number of years and then went back to Alabama and married.

Q He married your mother in Alabama? A Nancy Cox, married her.

Q He was married in 1829? A He come here in 1829 and was a surveyor in surveying out the land. He went from here to Texas. I don't know what date that was so don't put it down for I am trying to tell the truth. He was here when the Indians were moving from this country.

Q He didn't move to the Indian Territory? A No sir, he went through the Indian Territory when he went to Texas and he was with the surveyors.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A No sir, they never did.

Q Are you married? A No sir, I am not married.

Q Have you ever been married? A Yes sir, I have been married

Q Is your husband dead? A No sir.

Q Divorced? A Well, I haven't any husband.

Q Have you any children? A No sir.

Q Just making this application solely on your own behalf?

A Especially for myself.

Q Did you ever receive any benefits from the Choctaw tribe in the Indian Territory? A No sir.

Q Did you ever draw any money from them? A No sir.

Q In the event that the Commission is able to identify you as a Mississippi Choctaw is it your intention to remove to the Indian Territory? A Yes sir.

Q Is there any additional statement you want to make in support of this application? A Not a bit.

Q Any written evidence that you want to file? A No sir, I haven't any written evidence at all.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled

Julia Petty 2

cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 20th day of December, 1900.

~~Myra Young~~  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*From  
O.V.W.*

In the matter of the application of Julia Pettey, for  
identification as a Mississippi Choctaw, M.C.R. 1153.

.....

..... DECISION .....

....

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
by Julia Pettey for herself, under the following provision of the  
act of Congress, approved June 23, 1898 (30 Stats. 495).

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands  
under article fourteen of the treaty between the United States  
and the Choctaw Nation, concluded September twenty-seventh,  
eighteen hundred and thirty, and to that end may administer  
oaths, examine witnesses and perform all other acts necessary  
thereof and make report to the Secretary of the Interior."

It also appears that the said applicant claims rights in  
the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, by reason of being



a descendant of one Thomas J. Pettay, who is alleged to have been a quarter blood Choctaw Indian and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw Tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress, approved June 10, 1896 (29 Stats. 321).

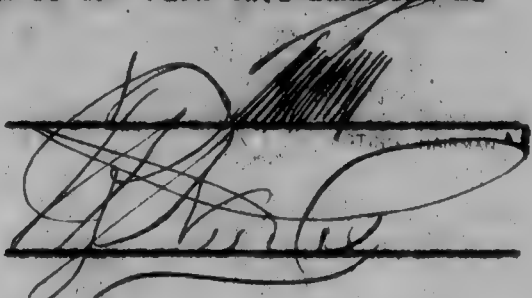
It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830, and to persons who heretofore were claimants thereunder, that the said Thomas J. Pettay or the applicant herein signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress, approved March 3,

- 3 -

1857 (5 Stats. 180) and August 23, 1842 (5 Stats. 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Falia Petty as a Choctaw Indian, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for her identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
C. R. Beckwith.  
Commissioner.

Muskogee, Indian Territory.

JUL 28 1902

U.S.R. 1133.

COPY.

Shannon, Indian Territory, July 23, 1903.

Julia Petty,

Shannon, Mississippi.

Dear Madam:

You are hereby advised that on the 23th day of July, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia Petty, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 23, 1898 [30 Stats. 493] which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Julia Foster as a person named, entitled to rights in the patented process, the invention of said article fourteen of the laws of 1935, and thus the application for her identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*I. B. Needles.*

Commissioner in Charge.

Registered.

OPY.

W.C.R. 1133.

McAlester, Indian Territory, July 28, 1908.

Manfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Julia Pettey, an applicant for identification as a Mississippi Choctaw.

The application was made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

W B A C

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the location of Julia Foster as a Quaker Indian, entitled to rights in the Sunset lands under the provisions of said article fourteen of the treaty of 1866, and that the application for her identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. B. Needles*

Commissioner in Charge



COPY.

M.C.R. 1132.

Washoe, Indian Territory, July 22, 1902.

The Honorable.

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Julia Petty, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of July 22, 1902.

The Commission has the honor to report that the applicant and the attorneys for the Choctaw and Chickasaw Nations have been fully advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*I. B. Needles.*

Through the Commissioner of  
Indian Affairs,

Commissioner in Charge.

1 enclosure.



COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45516-1902,

Washington, August 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 23, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Julia Pottey for identification as a Mississippi Choctaw.

The applicant traces her descent through her father, Thomas J. Pottey, to her grandmother, whose name was Hilliard - first name not given - who was alleged to have been a Choctaw Indian residing in Mississippi in 1830.

A careful examination of the records of this office fails to show that either of the alleged ancestors resided or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the Commission refusing to identify the applicant, be affirmed.

Very Respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

WCV  
D

3 inclosures.

D. O. 14092-1902,

61457

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4823-1902.

August 28, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of July 28, 1902, you transmitted the record and your decision of that date, in matter of application for identification of Julia Pettey as a Mississippi Chectaw.

Applicant endeavors to trace her descent from one Thomas J. Pettey, alleged to have been a quarter blood Chectaw Indian residing in Mississippi in 1830.

The record fails to show that applicant was ever admitted or enrolled as a Chectaw citizen, or that Thomas J. Pettey ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 ( 5 Stat., 180), and August 23, 1842 ( 5 Stat., 513). You denied the application.

The Acting Commissioner of Indian Affairs forwarded the papers August 6, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully

Thos. Ryan,

Acting Secretary.

R.M.D.

1 inclosure.

M.C.R. 1133.

COPY

Muskegon, Indian Territory, September 5, 1902.

Julia Pettey,

Shannon, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Julia Pettey, of which decision you were duly advised by registered mail on the 28th day of July, 1902.

Yours truly,

*Yenne Dwyer.*

Acting Chairman.

N.C.R. 1133.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of August 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Julia Petty, of which decision you were duly advised by mail on the 28th day of July, 1902.

Yours truly,

*Tamc Birby.*

Acting Chairman.

No. 1133

For Identification as a Mississippi Choctaw.

Date

DEC 18 1900

Name

Julia Petley.

Age

49.

Blood

$\frac{1}{16}$

Post Office,

Shannon, Mississippi

Father:

Thomas A. Petley - dead.

Mother:

Nancy L. Petley - dead.

Claims through

Father.

Children:

Stenographer:

Myra Young.

choc mcr 1134 Emma C. Nabors

see mcr 1175

mcr 1134



FOR IDENTIFICATION AS

R. 1134

A MISSISSIPPI CHOCTAW.

*Emma C. Nabors et al.*

RECEIVED

DECISION RENDERED. JAN 17 1903

NOTICE OF DECISION MAILED APPLICANT

JAN 17 1903

FOR THE SECRETARY OF THE INTERIOR

JAN 17 1903

RECORDED AND FORWARDED DEPARTMENT.

FEB 7 - 1903

REMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING.

APR 8 - 1903

RECORDED AND FORWARDED DEPARTMENT.

MAY 16 1903

ACTION BY THE SECRETARY OF THE INTERIOR

JUN 19 1903

NOTICE OF DEPARTMENTAL ACTION  
TO THE APPLICANT.

JUL 17 1903

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 17 1903

REFERENCE 1175

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 18, 1900.

In the matter of the application of Emma C. Nabors for the identification of herself and her two minor children as Mississippi Choctaws.

Emma C. Nabors, having been first duly sworn, by Acting Chairman Tams Bixby, testifies as follows:

Examination by the Commission.

- Q What is your name? A Emma C. Nabors.
- Q What is your age? A Fifty four years old September.
- Q What is your post office address? A Winona, Mississippi.
- Q Are you a resident of the state of Mississippi? A Yes sir.
- Q How long have you lived in Mississippi? A I was born in Mississippi
- Q Never lived anywhere else? A Never have lived anywhere else.
- Q What is your father's name? A Nathaniel Alexander Clark.
- Q Is he living? A He is not.
- Q What is your mother's name? A Amelia G. P. Clark.
- Q Is she living? A She is not.
- Q Which one of your parents do you claim your Choctaw blood from?
- A My mother.
- Q How much Choctaw blood do you claim? A I don't know; my grandfather married an Indian woman, I don't know how they call the one eighth one sixteenths and three fourths.
- Q Was she a full blood? A Yes sir that my grandfather married.
- Q Your mother then would have been half, wouldn't she? A My grandfather was a full blood white man, and
- Q And according to that you would be about a quarter? A Let me tell you that I don't want to swear that my grandfather was a full blood Indian, claim my father was one of the first settlers in the state and I have always heard that he married an Indian woman and I have never heard anything else, but I am afraid to swear that she was a full blood Indian woman.
- Q Well, how much Choctaw do you think you are? A Well, I always thought my mother was a full blood Indian woman's child, and I am her child.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes sir, I was at the council in '91. I was at the council at Tusahoma in '91.
- Q You made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Yes sir.
- Q What did they do? A After they took my testimony and all I didn't hear anything more from it.
- Q You don't know whether they admitted or rejected you? A My name was never placed on the rolls. I mean I never received any notice of it I was out there in '91 and it was in '91 or '92 that the delegation was appointed to come back here and take the Indians back. There was a lady there who went to school with my mother; my relatives are out there and were there and it was all conducted in Choctaw and the whole examination was conducted in Choctaw and she gets a first cousin of ~~mine~~ mine, Captain Standley, who represents the Choctaw tribe at Washington; he was out there. Judge Ralls was my lawyer since then and I think the objection was that I married a man not according to the Choctaw ceremony; that is all I knew I was not married according to the Choctaw ceremony?
- Q You never heard from the Choctaw council? A Never heard a word from,

the council; it was before this Dawes Commission was appointed you know.

- Q Do you remember who was the citizenship committee before whom you made application? A No sir, I don't know who made application; it seemed to be quite a number but they every one talked in Choctaw and I was there with the grand daughter of the chief and one of the chiefs of the tribe originally, Col. Leflore, she made application with me, and she was his daughter.
- Q Did you or did any one ~~for~~ in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A No; that must have been Judge Ralls, because I know that the objection, like the Curtis Bill, like the marriage ceremony with the Choctaw tribe, and that was all the objection I ever heard of.
- Q Was that in 1896? A Well, I could not say, it may have been.
- Q But you made application in '91? A Yes, I made application in person in '91.
- Q And after that you made application to the Dawes Commission in 1896? A Judge Ralls may. He married a second cousin of mine, Miss Eva Standley.
- Q And you don't know whether you made application in '96 or not? A I think so, but I aint going to swear to it.
- Q Were you a resident of the state of Mississippi? A Yes, I have never been out except on a visit.
- Q Did you ever hear of any action that this Commission took? A No, I was rejected because I was not married under Choctaw ceremony, I was married in Mississippi.
- Q Did you take an appeal? A Yes, Judge Ralls took an appeal.
- Q What did the courts do? A I was rejected.
- Q The court sustained the decision of the Commission? A Yes it was on that plea, it was made on that ground.
- Q You now want to make an application for identification as a Mississippi Choctaw under the fourteenth article of the treaty of 1830? A Yes sir.
- Q You claim under the fourteenth article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor-- A James Standley married Lucy Brashears.
- Q What was Lucy Brashears' other name? A I don't know sir.
- Q What relation is Lucy Brashears to you? A To me?
- Q Yes? A My grandmother.
- Q You have evidence showing that you are a direct lineal descendant? A I have evidence showing that my mother was their child.
- Q And she married James Standley? A Yes sir.
- Q He was a white man? A Yes sir.
- Q Lucy Brashears was a full blood Choctaw? A Well that is the question that was brought up a while ago, I think so but I won't say.
- Q She was a recognized member of the Choctaw tribe of Indians in 1830? A Yes sir.
- Q Did she remove with the Choctaws from Mississippi to the Indian Territory with the rest of the tribe? A No sir.
- Q She remained in the state of Mississippi? A Remained in the state of Mississippi.
- Q What was your grandmother's name did you say? A Lucy Brashears.
- Q Do you know the names of any other members of the Brashears family? A No sir.
- Q Your grandmother, Luck Brashears, was about how old in 1830? A I don't know that.
- Q Do you know what her father's name was? A No sir, I don't.
- Q You are fifty four now are you? A Fifty four last September.
- Q You don't know what your grandmother's father name was? A I don't know any further back than my grandmother.
- Q They never removed from the state of Mississippi, your grandfather and grandmother to the Indian Territory? A No sir.

- Q Never received any benefits from the Choctaw tribe in Indian Territory? A No sir, they registered here under that treaty; of course I don't know what the benefits were.
- Q Have you any documentary evidence showing that your grandfather, James Standley or your grandmother, Lucy Brashears, signified to the United States Indian Agent to the Choctaw Nation--
- A It is in the book of Indian Affairs in Washington.
- Q Have you any certified copy of that record? A Have I? No sir.
- Q James Standley was your grandfather? A Yes sir.
- Q White man? A Yes sir.
- Q And married Lucy Brashears, Choctaw Indian? A Yes sir.
- Q They were both recognized by the Choctaw authorities and the United States government and the Choctaw tribe in in Mississippi as Choctaw Indians? A Yes sir.
- Q Neither of them ever removed to the Indian Territory? A No sir.
- Q But remained here and both died here? A Yes sir, both died here.
- Q And they claimed the benefits under the treaty of 1830? A Yes sir.

The name of James Standley appears upon page 3, Number 55 of the book Number 93, entitled Choctaw Locations approved in 1836 by President Jackson, being a list of locations of Choctaw reservations under the treaty of September 27, 1830 the same being approved by Andrew Jackson, President of the United States June 3, 1836

- Q You have never received any benefits from the Choctaw reservation in Indian Territory? A No sir.
- Q Have you ever drawn any annuities of the Choctaw tribe? A Never have, not a cent.
- Q If, in the event, that the Commission, from the evidence submitted by you, is able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw lands under the treaty of 1830, is it your purpose to remove to the Indian Territory? A Yes sir; not immediately; I want to commence to invest there and have our rights established and be ready to go; this doesn't require that you set out to go right straight does it?
- Q No the act of Congress of May 31, 1900, provides that any Mississippi Choctaws duly identified as such by the Commission to the Five Civilized Tribes in order to be enrolled as citizens of the Choctaw Nation in Indian Territory must remove to the Indian Territory and establish a bona fide residence there -- A It is my desire to go.
- Q And on proof of such bona fide residence may be enrolled by this Commission as Choctaw Indians in Indian Territory and entitled to enrollment.
- A Would I have to go there before being enrolled
- Q Have to live there and establish a bona fide residence; become just on an equality with the other Choctaw Indians in Indian Territory.
- A But I am counting on this that identifies me?
- Q Yes? A That is what I understood.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William M. Nabors.
- Q Is he living? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Not making any claim for him? A No sir.
- Q What are the names of your children who are under twenty one years of age and unmarried. A William M. Nabors.
- Q How old is he? A He will be seventeen next March, born in 1884
- Q And the name of your next child? A Anna Lucile.
- Q How old is she? A She was fifteen the 28th day of last October.
- Q Are you the mother of these two children? A I am.
- Q And William M. Nabors is the father? A Yes sir.
- Q These children have always lived with you? A Yes sir.
- Q Their claim for identification is through you? A Through me.
- Q Have you either the original or a certified copy of the patent that was issued by the United States to James Standley? A No sir

- If Captain Standley has it I don't know a thing of it, I haven't it
- Q Now in regard to the application that you made to the Choctaw council in 1891, you ~~said~~ stated that you have never heard--
- A I never heard what the objection was, but unless-- well perhaps it was in 1896 but when Judge Ralls made the application the only objection I ever heard was the ceremony; we were not married of course according to the Choctaw ceremony.
- Q Is there any additional statement that you desire to make in support of your application? A I don't know of anything.

The Commission will carefully consider the evidence submitted by you in support of your application and will furnish you with a written decision stating fully therein the reasons for any action that may be taken in regard to your application and the application you make on behalf of your minor children.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 20 day of December, 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

•1•

In the matter of the application of Emma C. Nabors, et al., for identification as Mississippi Choctaws, consolidating the applications of

Emma C. Nabors, et al.,

N O R 1134

Clyde Nabors,

• 1176

List of papers forwarded to the Secretary of Interior  
comprising the record in the consolidated case  
of Emma C. Nabors, et al.

Original application of Emma C. Nabors  
et al., to the Dawes Commission for identification as Mississippi Choctaws..... 1

Family record of marriage of M. A. Clark  
and A. G. P. Standley; birth and death record  
of I. S. Clark and death notice of Analla  
G. P. Clark..... 3

Original application of Clyde Nabors  
to the Dawes Commission for identification as a Mississippi Choctaw..... 6

Decision of the Commission refusing the  
applications in the consolidated case  
of Emma C. Nabors, et al., for identification as Mississippi Choctaws..... 9



44  
COPY.

*Q. W.*  
DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Emma C. Nabers, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Emma C. Nabers, et al.,

M C R 1184

Glyde Nabers,

" 1175

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Emma C. Nabers for herself and her two minor children, William M. and Anna Lucile Nabers, and by Glyde Nabers for herself, under the following provision of the act of Congress approved June 25, 1906 (34 Stat., 495):

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".



It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Lucy Standley (nee Brashears or Beshears), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

Reference is made in the application numbered W.C.R. 1134 to Book No. 93, of Choctaw reservations approved in 1836 by President Jackson, and from an examination thereof it is found that on page 3 thereof, number 55 appears the name of James Standley, who is there represented as a Choctaw Indian who received a certain reservation under the treaty of "Dancing Rabbit Creek." This record does not indicate under what article of said treaty said reservation was made, and furthermore the James Standley, whom the applicant in W.C.R. 1134 claims was the husband of her Choctaw ancestor through whom she claims her right to identification as a Mississippi Choctaw, was a white man and no claim to rights under article fourteen is made through him.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted

court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It further appears from an examination of the records of the Commission to the Five Civilized Tribes of the applications for citizenship in the Choctaw Nation, submitted under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), that an application was made by Emma C. Nabors for herself and daughter Clyde Nabors, applicants herein (1896 Choctaw citizenship case No. 1147) which application was denied, and an appeal taken to the United States Court, Central District, Indian Territory, and the decision of the Commission was duly affirmed.

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lucy Standley (nee Braashears, or Beashears), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

- 4 -  
evidence herein is insufficient to determine the identity of  
Emma C. Nabors, William M. Nabors, Anna Lucile Nabors and Clyde  
Nabors as Choctaw Indians entitled to rights in the Choctaw lands  
under the provisions of said article fourteen of the treaty of  
eighteen hundred and thirty, and that the applications for their  
identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED,

James Dixby  
Acting Chairman.

SIGNED,

T. B. Needles  
Commissioner.

Muskogee, Indian Territory.

SIGNED,

C. R. Breckinridge  
Commissioner.

JAN 17 1903

REFER TO M. C. R. 1134

Emma C. Roberts  
et al

Consolidated Case

MOTHER'S TRIBAL ENROLLMENT

BAND

No.

MOTHER'S OWNER

REMARKS

DAVIS  
ROLL No.

James Standley, white  
married  
Lucy Brashears or  
Beshears free?

Nathanill Alexander Clark  
married  
— Amelia G. P. Clark ?

MEB  
11/34  
— Emma C. Nabors, 54 ?  
married  
— William M. Nabors, w

MEB  
11/75  
— Clyde Nabors, 22, 1/8  
MEB  
11/34  
— William M Nabors, 17  
— Anna Luella Nabors 15

Muskogee, Indian Territory, June 10, 1901.

Mrs W.N. Nabers,

Winona, Mississippi.

Dear Madam:

The Commission is in receipt of your letter of the 25th of May in which you invite the attention of the Commission to the fact of your appearance at Hattiesburg, Mississippi, December 18, 1900 as an applicant for identification as a Mississippi Choctaw, and also to the fact of the appearance of your daughter, Clyde Nabers on the 31st of December as such an applicant. You state in your letter that you have heard nothing from the Secretary of the Interior relative to such applications, and desire to be informed if it is necessary for either you or your daughter to take any further action in regard to these applications.

Replying to your letter the Commission has to inform you that it appears from the records that at Hattiesburg, Mississippi on December, 18, 1900, Emma C. Nabers made personal application to this Commission for the identification of herself and her two minor children as Mississippi Choctaws, and there was accepted by the Commission at that time certain documentary evidence in support of these claims. Up to this time the Commission has been unable to take up for consideration your application or enter any decision thereon. It also appears from our records that on December 31, 1900, Clyde Nabers made personal application for identification of herself



as a Mississippi Choctaw but in this case no action has been taken by the Commission up to this time. The Commission will at as early date as practicable take up for consideration each of these applications and render a decision as to the rights of the applicants to identification as Mississippi Choctaws. Such decision will be made in writing and a copy thereof will be mailed to you and your daughter at your respective Post Office addresses. After action by the Commission, the testimony and exhibits will be forwarded to the Secretary of the Interior for his approval of the Commission's action.

Yours truly,

Acting Chairman.

H.C.N. 1134.

H.C.N. 1173.



COPY,

M.C.R. 1134.

Muskogee, Indian Territory, January 17, 1903.

Emma C. Nabors,  
Winona, Mississippi.

Dear Madam:

You are hereby advised that on the 17th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma C. Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma C. Nabors, et al.,      M.C.R. 1134,  
Clyde Nabors,              M.C.R. 1175.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma C. Nabors, William M. Nabors, Anna Lucile Nabors and Clyde Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

N.C.N. # 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

*T. B. Needles.*

Commissioner in Charge.

Register.

Muskogee, Indian Territory, January 17, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma C. Nabors, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma C. Nabors, et al., M.C.R. 1134,  
Clyde Nabors, M.C.R. 1175.

These applications were made under the provision of the Act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Emma C. Nabors, William M. Nabors, Anna Lucile Nabors and Clyde Nabors as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY

Muskogee, Indian Territory, February 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emma C. Nabors, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 17, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Emma C. Nabors, et al., M.C.R. 1134,  
Clyde Nabors, M.C.R. 1175.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.

M.C.R. 1134.

SIGNED

*Tame Dixby,*  
Acting Chairman.

Land.  
8471-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Emma C. Nabers, for herself and two children William M. and Anna Lucile Nabers, and Clyde Nabers, wherein a decision adverse to the applicants was rendered by the Commission on January 17, 1903.

The evidence in this case shows that the applicants claim identification by reason of their descent from James Standley and Lucy Brashers, who, it is alleged, were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not contain the name of Lucy Standley (nee Brashers), or of an ancestor less remote, as among those who complied or at-

tempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office show the names of eight families named Brashears who were beneficiaries under the Choctaw treaty of 1830, the names of the heads of these families being as follows: Benjamin, Lewis, Vaughn, Turner, Zadeck, Jr., Rachael, Alexander, and Delilah. Four of these families received land under the 19th article of the treaty and four under the 14th article. There was a number of children in each family. The families of Benjamin Lewis and Vaughn were transported to the Choctaw Nation west by the government. James Standley was a citizen of the Choctaw Nation and received a reservation under the 19th article of the treaty.

If Lucy Standley, the daughter of James Standley, married a Brashear who was the head of one of these families that received scrip under the 14th article of the treaty, or some other member of these families, her descendants would be entitled to identification as Mississippi Choctaws but, on the other hand, if she married into one of the families taking under the 19th article, they would not be entitled to identification.

This office has no list of the names of the children in any of these Brashears families, the only record being the number of children and whether they were over or under ten years of age in 1830.

In order to make a recommendation which will be just to the Choctaw Nation and the applicants as well, it will be necessary that further information be produced with reference to the husband of Lucy Brashears, and such other information with reference to his family as is procurable. I therefore recommend that this case be held by the Department, pending the production of further evidence, and that the Commission be instructed to notify the parties as to what the deficiencies are in the proof submitted, and that they will be given thirty days within which to produce further evidence.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

E.B.H. H'r.  
3 enclosures.



1000.  
14,044-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, March 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

On the 10th instant the Department addresses a letter to the Commission to the Five Civilized Tribes-- 2234-1903-- in the matter of the consolidated application for identification as Mississippi Choctaws of Emma C. Mabors (Mabors) and others.

In this letter the Department calls attention to the statement of this office with reference to the families named Brashears who were beneficiaries under the Choctaw treaty of 1830, quoting from the statement of this office as follows:

"This office has no list of the names of the children in any of these Brashears families, the only record being the number of children and whether they were over or under ten years of age in 1830".

The Department says "that statement contained therein is an error as seen from a schedule of these Choctaws who received land under the provisions of the 14th article of the treaty of 1830 by remaining upon the land five years in accordance with the provisions of that article" prepared by the Indian Office

"and now in the possession of the Department, and said schedule  
"contains this name:

" Brashears, Delilah.

" Head of family; received 3 1/4 sections of land;  
"three children over ten, 3 under; afterwards married David Wall;  
"5 of her children are Joseph, Charity, Susan, Sarah and Betsey".

The statements contained in the list quoted from by the Department are erroneous with reference to the children of Delilah Brashears, the five children named being the children of the Delilah (no surname) who was specially provided for under the supplements to the Choctaw treaty. At the time the list referred to was compiled there was certain evidence examined in this office which tended to support the presumption that the children named were the children of Delilah Brashears, but a more thorough examination made since has established the fact that the five children were children of another Delilah; that they were provided for under the supplement to the Choctaw treaty and selected their lands in accordance with the provisions of the Choctaw treaty, the selections having been approved by the government. They were not applicants or beneficiaries under the 14th article of the Choctaw treaty. Hence these names should be stricken from the list in the Department.

With reference to the Lucy Standley through whom these applicants claim, this office says: "If Lucy Standley, the daughter of James Standley married a Brashears who was a head of

"one of these families that received scrip under the 14th article of the treaty or some other member of those families, her descendants would be entitled to identification as Mississippi Choctaws, but on the other hand if she married into one of the families taking under the 19th article, they would not be entitled to identification".

The Department calls attention to the fact that the evidence in the case shows that Lucy Standley through whom these applicants claim was the wife of James Standley, and not his daughter. After a re-examination of the testimony in this case I beg leave to revise the statement of this office with reference to this matter, as follows: If Lucy Standley, the wife of James Standley was a daughter of a Brashears who was the head of one of these families that received scrip under the 14th article of the treaty her descendants would be entitled to identification as Mississippi Choctaws.

I therefore recommend that the case be returned to the Commission for further investigation with reference to that matter.

Very respectfully,

A. C. TONNER,  
Acting Commissioner.

(E.B.H.)

P.

M.C.R. 1134  
M.C.R. 1175

Muskogee, Indian Territory, April 2, 1903.

J.C. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask if the cases of Emma Nabors and her daughter, Clyde Nabors, M.C.R. 1134 and 1175, have been disposed of; that you would like to have permission to file additional evidence in these cases.

In reply to your letter, you are informed that these cases are included in the consolidated Mississippi Choctaw case of Emma C. Nabors, et al.

The record therein, together with the decision of the Commission refusing their applications, was forwarded to the Secretary of the Interior February 2, 1903. The applicants will be duly notified of such action as may be taken by him.

Pending action thereon by the Secretary, the Commission cannot receive or consider further evidence in support of these cases.

Respectfully,

Commissioner in Charge.

D.C. 9838-1903.  
I.T.D. 2234-1903.  
3384-1903.  
L.R.S.

J.W.H.  
F.H.E.

C O P Y.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

April 3, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 2, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Emma C. Nabers (M.C.R. 1134), for herself and her two minor children, William M. and Anna Lucile Nabers, and of Clyde Nabers for herself, including your decision of January 17, 1903, denying their applications.

An examination of the testimony contained in the record shows that the principal applicant, through whom the others claim, was born about 1846, in Mississippi, where she has always lived. Her mother, Amelia G. P. Clark, who was a 1/2 blood Choctaw, married Nathaniel Alex. Clark, March 31, 1842, and died when 26 years of age. The latter was the daughter of a white man named James Standley, by his Indian wife, Lucy Brashears, who was a full blood Choctaw.

Reporting in the matter February 24, 1903, the Acting Commissioner of Indian Affairs furnished certain information relative to a family named Brashears, and recommended that these ap-

plicants be allowed to furnish additional testimony in support of their claims.

March 10, 1903, the Department forwarded a letter addresses to you, concurring in the recommendation of the Indian Office and containing certain statements predicated upon certain reports made by the Indian Office prior thereto.

March 28, 1903, the Acting Commissioner of Indian Affairs again reported in the matter, making certain statements in reference to departmental letter of March 10, 1903, which are self-explanatory, and by reason of which said letter has been cancelled, and renewed his recommendation that a rehearing be ordered.

The Department considers that a final decision should not be rendered in the case at this time. You are therefore directed to inform the principal applicants that they will be allowed thirty days, and such extension thereof as may be reasonable and necessary, within which to furnish additional testimony in the usual manner, in support of their claims.

In so doing it is desired that you inform them that the records of the government show that a number of persons named Brashears complied, for themselves and for their families, with the provisions of article 14 of the treaty of September 27, 1830, at the same time advising them, in accordance with instructions heretofore given in like cases, as to the

-2-

scope and character of the information contained in said records relative to the persons whose names appear thereon, and that, for purposes of comparison, they should furnish like testimony relative to the ancestors from whom they claim their descent.

The case is remanded to you for appropriate action in accordance with the instructions contained herein.

The record is returned, together with copies of the Acting Commissioner's letters of March 28 and February 24, 1903.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

3 inclosures.



Muskogee, Indian Territory, April 15, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of April 3, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Emma C. Nabors, et al., with instructions that the applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 15, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 15, 1903.

Emma C. Nabors,  
Winona, Mississippi.

Dear Madam:

The Secretary of the Interior with his letter of April 3, 1903, remanded to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Emma C. Nabors, et al., with instructions that the applicants therein be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The record in this consolidated case shows that the applicants claim their Choctaw descent from Lucy Brashears, a full blood Choctaw, who married a white man named James Standley.

The records of the government relating to those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 show that several persons of the name of Brashears were beneficiaries under said article 14. The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14 contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

E C N 2

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to,

N O T I S

you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 18, 1906, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.

Registered.

M.C.R. 1134.

Muskogee, Indian Territory, May 1, 1903.

Emma Clark Nabors,

Winona, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your communication of April 27, 1903, wherein you make certain statements regarding your family history and state; "If any of these facts are of any advantage to me, my first cousin, Capt. James Standley of Atoka, and Mr. Hervey Smith, whose address is South Canadian, will bear witness to them."

Replying to your communication, you are advised that on April 15, 1903, the Commission notified you that the consolidated case of Emma C. Nabors, et al., had been remanded by the Secretary of the Interior, with instructions that applicants therein be granted further opportunity to introduce additional evidence, and that the Commission would, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 15, 1903, hear the testimony of such witnesses as might present themselves in person

and receive for consideration such documentary evidence as might be offered in support of this case.

You are further advised that if you desire to introduce the testimony of the witnesses named in your letter, their testimony will be taken upon their personal appearance before the Commission at its office at Muskogee, Indian Territory, up to and inclusive of Friday, May 15, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 2, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Emma C. Nabors, et al., together with its decision of January 17, 1903, refusing the applications of the several applicants included therein, for identification as Mississippi Choctaws.

With departmental letter of April 3, 1903, (I T D 2234-1903, 3384-1903) the record in this case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on April 15, 1903, notified Emma C. Nabors and Clyde Nabors that they would be allowed up to and inclusive of Friday, May 15, 1903, to introduce additional evidence in support of the applications made by them for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

The thirty days heretofore allowed the applicants in this case within which to submit additional evidence, expired May 15,



1903, and no appearance has been entered by or on behalf of the applicants, and no additional testimony offered by them.

The original record in the consolidated Mississippi Choctaw case of *John G. Moore, et al.*, together with copies of notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

Wm. A. A.

( C O P Y )

D.C.17620

W.C.F.

ITD.5044-1903.

RAF.

L.R.S.

DEPARTMENT OF THE INTERIOR

W A S H I N G T O N .

June 19, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

ON May 18, 1903, you resubmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Emma C. Nabors and her minor children, William M. and Anna Lucile Nabors; and of Clyde Nabors.

It appears that on April 3, 1903, the record in this case was returned to you with instructions that you inform the applicants of certain information furnished by the Indian Office regarding the family of Brashear, and that you allow said applicants thirty days within which to furnish additional testimony relative to their claim for identification as Mississippi Choctaw.

It further appears that on April 15, 1903, in accordance with said instructions you notified Emma C. Nabors and Clyde Nabors also the attorneys for the Choctaw and Chickasaw Nations, that the applicants would be allowed up to and including May 15, 1903, to introduce additional testimony in support of their applications.

On May 16, 1903, you stated that no appearance was entered by or on behalf of the applicants, and no additional testimony was offered by them within the time allowed.

Reporting June 10, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved.

The Department considers that the interests of the applicants have been amply protected, and your decision rejecting the applicants is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock,  
Secretary.

1 inclosure.

M. C. R. 1134.

COPY.

Muskogee, Indian Territory, July 17, 1903.

Anna C. Nabers,  
Winona, Mississippi.

Dear Madam:-

You are hereby notified that on the 19th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Anna C. Nabers et al., of which decision you were advised by registered mail on the 17th day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

COPY:

Kuskogee, Indian Territory, July 17, 1903.

Manfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 19th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma C. Nabers et al., of which decision you were advised by mail on the 17th day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles:*

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name Emma C. Naboris.

Age 54. Blood 1/4.?

Post Office, Winona, Miss.

Father: Nathaniel A. Clark - dead.

Mother: Amelia G. P. Clark - dead.

Claims through mother

~~HUSBAND:~~William M. Naboris -  
(No claim for husband)

## Children:

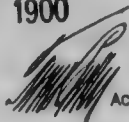
William M. Naboris 17.

Anna Lucile Naboris 15.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 18 1900



ACTING CHAIRMAN.

Stenographer:

Anna Bell.

Choc mcr 1135 Big John ondocharubbe

mcr 1135



SS.-CHOCTAW  
ENROLLMENT

R-1135

Big John Ondochatubbee ET AL

IDENTIFIED

Decision rendered Feb. 14, 1903.

Copy of Decision forwarded  
Attorneys for Choctaw and Feb 21, 1903.  
Wickasaw Nation.

Copy of Decision forwarded applicant Mar. 11, 1903

R-1135

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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The record herein is in the matter of the application  
of Big John (Ondochatubbee) et al., for identification  
as Mississippi Choctaws-----M.C.R. 1135

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Big John,  
(Ondochatubbee) et al., for identification  
as Mississippi Choctaws-----M.C.R. 1135

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I N D E X -----  
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Original application of Big John (Ondochatubbee) et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission identifying the applicants in the application of Big John (Ondochatubbee) as Mississippi Choctaws	3

R1155

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification of Big John, his wife and three children as Mississippi Choctaws, Big John ( Ondochatubbee ) being duly sworn by Acting Chairman Bixby testified as follows:

- Q What is your name? A Big John ( Ondochatubbee )  
Q How old are you? A Seventy Four.  
Q What is your post-office address? A Mansfield ( or Massengale )  
Q What County? A Jasper County. On the line.  
Q How long have you lived in Mississippi? A Long time. Born here.  
Q Never lived any where else? A No.  
Q Did you ever live in the Indian Territory? A No sir.  
Q Never been out of Mississippi? A No.  
Q What is your father's name? A Kaniatubbee.  
Q Is he living? A Dead long time.  
Q What is your mother's name? A Lucy.  
Q Did she have any Indian name? A Her name too hard? I believe Amelia.  
Q Your mother is dead is she? A Yes sir.  
Q How old is your wife? A Sixty Three.  
Q What is her name? A Sally John.  
Q Has she always lived in Mississippi? A Yes sir.  
Q Did her people always live here, her mother and father? Yes sir.  
Q They never went to the Indian Territory? A No.  
Q What is your wife's father's name? A Anchaunubbee.  
Q Your wife's father is dead is he? A Yes sir.  
Q What is your wife's mother's name? A Indian name Felionah.  
Q She is dead is she? A Dead long time.  
Q Did you or your wife or any of your parents ever go to the Indian Territory? A No.  
Q Do you remember when the treaty was made in 1830, you would be about four or five years old then? A I don't know.  
Q Do you remember when the Choctaws moved from Mississippi to the Indian Territory? A Yes sir.  
Q Your people did not go with them? A No.  
Q Did they stay back here and get any land? A No.  
Q Did they own any land in Mississippi? A I don't know. They wanted to go but were too old.  
Q They wanted to go but did not go? A Yes sir.  
Q Did they go to the Indian Agent of the Choctaw Indians in Mississippi and signify their intentions to remain. Did they tell the Indian Agent that they wanted to stay in Mississippi? A They wanted to stay in this country.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Did you ever make application to the Choctaw authorities in the Indian Territory? A No.  
Q Did you ever make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation under the act of June 10th, 1896, that is four years ago. You didn't make an application then did you? A No.  
Q Never have made any application then? A No.

Big John 2.

Q This is the first time you have ever come before the authorities to be enrolled, is it? A Yes sir.

Q What are the names and ages of your children? A Charley John.

Q The oldest one is named Charley? A Yes sir.

Q How old is he? A Twenty one.

Q What is the next one? A A little girl, nine years old.

Q What is her name? A Lena.

Q What is the next one? A Julia.

Q How old is Julia? A Seven.

Q Is Sallie John the mother of all these children? A Yes sir. The oldest one is married.

Q If the Commission identifies you as a Mississippi Choctaw, you and your children, is it your intention to remove to the Indian Territory? A Well, I don't know. I can't tell.

Q You understand that the law requires that in order to receive any benefits as a Mississippi Choctaw after being identified as such you must remove to the Indian Territory for the purpose of becoming a citizen and maintaining a residence there. Do you understand that?

A Yes sir.

Q If you are identified as a Mississippi Choctaw is it your intention to remove to the Indian Territory. A I can't go for myself. I can't go it is too far.

Q How about your children? A I will let the children go.

Q When the Commission was down here two years ago you went before them, did you? A Yes sir.

Q Where was it. Decatur? A Yes sir.

The applicant is the identical person who appeared before the Commission for identification as a Mississippi Choctaw at Decatur, Mississippi, February 7th, 1899. At that time he made application for his wife, Sallie, and a son named Simon who was married, his wife being named Georgia and having two children, John and Minnie. The applicant also stated that he had a child named Lena about six and Lissie about five and a son named Charley, 22 years of age. The last child being unmarried. The names of these applicants appear in the schedule affixed to the Commission's report of March 10th, 1899, page 94, numbers 1652 to 1656 inclusive.

The applicant herein is to all appearances a full blood Choctaw Indian and is unable to speak in but little English. From his testimony it appears that neither he, his wife nor their parents ever removed from Mississippi to the Indian Territory nor have any of them ever received any benefits as Choctaw Indians since the removal of the tribe from Mississippi to the Indian Territory.

The decision of the Commission as to your application and the application you make on behalf of your wife and three children for identification as Mississippi Choctaws, will be mailed to you in writing to your post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 18th day of December, 1900.

R1135

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Big John (Ondochatubbee) et al., for identification as Mississippi Choctaws-----M.C.R. 1135

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by Big John (Ondechatubbee) for himself, his wife Sally and his three children, Charley, Lena and Julia John (Ondochatubbee), under the following provision of the act of Congress approved June 28, 1898( 30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An

Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902 (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Big John (Ondochatubbee), Sally John (Ondochatubbee), Charley John (Ondochatubbee), Lena John (Ondochatubbee) and Julia John (Ondochatubbee) should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

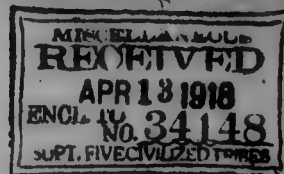
  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903





STATE OF OKLAHOMA }

COUNTY OF CARTER }

SS.

Simon John of lawful age, being first duly sworn upon oath deposes and says that he is a full blood Miss. Choctaw Indian enrolled opposite Roll No. 676; that he is a son of Big John (Ondochatubbe) a full blood Miss. Choctaw Indian enrolled opposite Roll No. 601. and of Sallie John, full blood Miss. Choctaw Indian enrolled opposite Roll No. 602; that Lena John, who is a full blood Miss. Choctaw Indian enrolled opposite Roll No. 604. and Julia John full blood Miss. Choctaw Indian enrolled opposite Roll No. 605. and who are enrolled on the Census Card No. 369 as the children of Big John and Sallie John above named, are the children of this affiant Simon John and Lula Mose, nee John, Miss. Choctaw Indian enrolled opposite Roll No. 596. deceased; that the said Lena John and Julia John. at the time of the enrollment were living with the said Big John and Sallie John who were their grand-parents and that by reason thereof. they were enrolled as the children of the said Big John and Sallie John.

Simon John

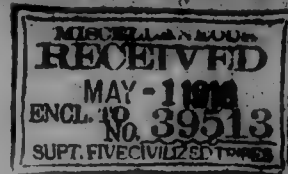
Subscribed and sworn to before me this 16  
day of April 1918.

Freda Guernsey  
Notary Public

My Commission expires Dec 5, 1920

STATE OF OKLAHOMA, )  
COUNTY OF CARTER? )

ss:



Simon John of lawful age, being first duly sworn upon oath deposes and says that he is a full blood Miss. Choctaw Indian enrolled opposite Roll No. 676; that he is a son of Big John (Ondochatubbee) a full blood Miss. Choctaw Indian enrolled opposite Roll No. 601, and of Sally John, full blood Miss. Choctaw Indian enrolled opposite Roll No. 602; that Lena Lewis, nee John, who is a full blood Miss. Choctaw Indian enrolled opposite Roll No. 604, and Julia Lewis, nee John, Miss. Choctaw Indian enrolled opposite Roll No. 605, and who are enrolled on the Census Card no. 369 as the children of Big John (Ondochatubbee), deceased, Miss. Choctaw, Roll No. 601, and Sally John, deceased, Miss. Choctaw, Roll No. 602, above named, are the children of this affiant Simon John, Miss. Choctaw, Roll No. 676, and Lula Mose, nee John, deceased, Miss. Choctaw, Roll No. 596; that the said Lena Lewis, nee John, Miss. Choctaw, Roll No. 604 and Julia Lewis, nee John, Miss. Choctaw, Roll No. 605, at the time of the enrollment were living with the said Big John (Ondochatubbee), deceased, Miss. Choctaw, Roll No. 601 and Sally John, deceased, Miss. Choctaw, Roll No. 602 who were their grand-parents and that by reason thereof they were enrolled as the children of the said Big John (Ondochatubbee), deceased, Miss. Choctaw, Roll No. 601 and Sally John, deceased, Miss. Choctaw, Roll No. 602.

*Simon John*

Subscribed and sworn to before me this 22 day of April, 1918.

My commission expires

*Dec 8, 1920*

*Areda Gurnett*  
Notary Public

Ardmore, I. T. February 27, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of the records in my case that under the rule of law the Commission may give out to attorneys as I have employed him to assist me in this case.

WITNESSES TO MARK:

Charley John

Also applied for his wife Buckit  
and their one child Lawrence.

COPY.

M.C.R. 1135

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Big John (Ondechatubbee), his wife Sally John, and minor children Charley John, Lena John and Julia John as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Big John (Ondechatubbee), his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Latis Dwyer*

Registered.

Acting Chairman.

Enc. MT. 23

W. C. B.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING

M.C.R. 1135

ALLISON L. AYLESWORTH  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1903

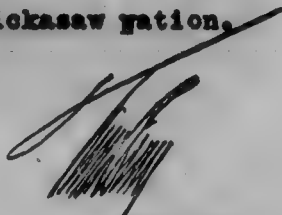
Big John, (Ondechatubbee),  
Mansfield, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Sally John, and your children Charley, Lena and Julia John, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw nation.

Respectfully,



Chairman.

Registered.

Enc. 1135

copy.  
H.C.R. 1135

Muskogee, Indian Territory, March 11, 1903

Big John, (Ondochatubbee),  
Nemefield, Mississippi.

*Revised Address. I.T. No. 24, 1903.*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Sally John, and your children Charley, Lena and Julia John, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw nation.

Respectfully,

SIGNED,

*Lamo Bixby.*

Chairman.

Registered.

Enc. 1135

M.C.R. 369.  
M.C.R. 412.

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the following notation has  
this day been made upon the original identified Mississippi Choctaw  
card 369:

1075-1079  
SETTLEMENT ADDRESS "Ardmore, Ind. Ter."  
DATE OF PROOF OF SETTLEMENT "July 13, 1903."  
"Declaration and proof of settlement applies to  
Nos. 1 to 5 inclusive. Also see testimony of Simon  
John, Mississippi Choctaw card No. 412, as to Nos.  
4 and 5." 1106-1200

You are also advised that notation has been made upon the  
original identified Mississippi Choctaw card 412 as follows:

SETTLEMENT ADDRESS "Ardmore, Ind. Ter."  
DATE OF PROOF OF SETTLEMENT "July 14, 1903."

You are requested to make like notation upon the duplicate  
Mississippi Choctaw cards in the possession of your office.

Respectfully,

Commissioner in Charge.



M C R 1135

Muskogee, Indian Territory, February 6, 1904.

Thos. Norman,  
Ardmore, Indian territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing the affidavit of the mother, Cricket John, and that of the midwife, Sallie Lewis, relative to the birth of Lawrence John, infant son of Charlie and Cricket John, born October 4, 1902.

Respectfully,

Commissioner in Charge.

M C R 1135

Muskogee, Indian Territory, August 17, 1904.

Charley Jehn,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, asking what disposition has been made of the application made by you for the identification of your infant son, Lawrence Jehn, as a Mississippi Choctaw.

In reply you are informed that up to the present time no action has been taken on the application for the identification of Lawrence Jehn. When his rights to identification as a Mississippi Choctaw have been passed upon by the Commission you will be duly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

No. 1135

For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name Big John (Ondochatubee)

Age 74 Blood full.

Post Office, Mansfield, Miss.

Father: Kaniatubbee - dead.

Mother: Lucy --- - dead.

Claims through

WIFE: Sally John. 63

Anchamubee - dead.

Pelionah --- - dead.

Children:

Charley John 21.

Lena " 9

Julia " 7.

Myra Young

COMMISSIONERS.

HENRY L. DAWES,

TAMM BIXBY,

ARCHIBALD S. MCKENNON,

THOMAS B. NEEDLES.

ALLISON L. ATLESWORTH, *Secretary.*

## DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

7899-1901, Mrs. W.M. Nabors

MCR1134 Emma C. Nabors et al

On December 18, 1900, Emma C. Nabors appeared before the Commission at Hattiesburg, Mississippi, and applied for the identification of herself and two minor children as Mississippi Choctaws. No decision has been rendered in this case up to this time.

Atoka, June 8, 1901.

AB

Choc mcr 1136 Bob Thomas

mcr 1136

SS.-CHOCTAW

R-1136

ENROLLMENT

Bob Thomas ET AL

IDENTIFIED

Decision rendered Feb. 14, 1903.

Copy of decision forwarded

Attorneys for Choctaw and  
Chickasaws

Feb 21, 1903.

Copy of Decision forwarded applicant. Mar. 11, 1903

R 1136



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Bob Thomas,  
et al., for identification as Mississippi  
Choctaws-----M.C.R. 1136

-----  
I N D E X -----

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71136

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of Bob Thomas, his wife and five children. Bob Thomas being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.  
Through Jeff D. Neal, Interpreter.

- Q What is your name? A Bob Thomas.  
Q What is your age? A About thirty seven.  
Q What is your post-office? A Brown.  
Q Mississippi? A Yes sir.  
Q How long have you lived in Mississippi? A All my life.  
Born here.  
Q Never lived any where else? A No sir.  
Q What is your father's name? A Jake Thomas.  
Q What is his Indian name? A Sakaubbee.  
Q Is he living? A No sir.  
Q What is your mother's name? A Martha.  
Q Martha Thomas? A Yes sir.  
Q Is she living? A No sir.  
Q They were both full blood Indians? A Yes sir.  
Q And you are a full blood are you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw authorities in the Indian Territory for citizenship? A No sir.  
Q Did you make application to this Commission in 1896 under the act of June 10th, 1896, that is four years ago? A No sir.  
Q Did you make application when the Commission was in Mississippi in 1899, in January and February, about two years ago. A No sir.  
Q What is your wife's name? A Daley Thomas.  
Q Is she a full blood? A Yes sir.  
Q What is her father's name? A His name was Jim.  
Q Did he have an Indian name? A Yes sir.  
Q What was his Indian name? A Wahkiatubbee.  
Q Is he dead? A Yes sir.  
Q What is your wife's mother's name? A I don't know.  
Q Was she a full blood Indian? A Yes sir.  
Q How old is your wife? A Thirty three.  
Q What are the names of your children? A Ransom.  
Q Ransom Thomas? A Yes sir.  
Q How old is Ransom? A Fifteen.  
Q What is the next one? A Berry.  
Q How old is Berry? A Thirteen.  
Q The next one? A Emeline.  
Q How old is Emeline? A Ten years old.  
Q Any more? A Yes sir.  
Q All right. A Sam.  
Q How old is Sam? A Five years old.  
Q You have another haven't you? A Yes sir.  
Q What is the other one? A Samawail.  
Q How old is that one? A Three years old.  
Q Daley Thomas is the mother of all these children? A Yes sir.  
Q You are the father of all of them? A Yes sir.  
Q These children have always lived in Mississippi? A Yes sir.

Bob Thomas 2

Q You are making application for the identification of yourself your wife and your children as Mississippi Choctaws? A Yes sir.

Q Did any of your ancestors or any of your wife's ancestors ever remove from Mississippi to the Indian Territory? A No sir.

Q Have always as far back as you can remember lived in Mississippi? A Yes sir, I don't remember.

Q You are making your claim under the fourteenth article of the treaty of 1830 are you? A Yes sir.

Q Did any of your ancestors or your wife's ancestors ever signify to the United States Indian Agent their intention to remain and become citizens of the United States in preference to removing to the Indian Territory? A I don't remember.

Q Do you know what your grand father's name was? A I don't remember.

Q Don't remember their Indian names? A Inokachintubbee.

Q Did he die in Mississippi? A Yes sir.

Q Never went to the Indian Territory? A Yes sir, he went and came back.

Q Did he go to the Indian Territory when the rest of the Indians were moved out there? A I remember hearing that he went there but don't know when it was.

Q Do you remember ever seeing your grand father? A I just can recollect.

Q That was your father's father? A Yes sir.

Q Do you remember your mother's parents? A No sir.

Q Did you ever hear their names? A No sir.

Q Do you know anything about them? A No sir.

Q Now as to your wife's people. Your wife has always lived in Mississippi, has she? A Yes sir.

Q Has she ever lived in the Indian Territory? A No sir.

Q Did her father and mother go to the Indian Territory? A I don't remember anything about it.

Q Did you ever hear of them going to the Indian Territory? A I heard some other people talking but I don't remember what it was.

Q Do you know what your wife's grand mother and grand father's names were? A No sir.

Q Did you or your wife ever receive any benefits from the Choctaw Nation in the Indian Territory? A No sir.

Q Ever draw any money from the Choctaw Nation in the Indian Territory? A No sir.

Q Did any of your wife's ancestors or your ancestors ever receive any land in Mississippi from the United States government under the fourteenth article of the treaty of 1830? A I don't remember anything about it.

Q In the event that the Commission is enabled to identify you and your wife and your children as Mississippi Choctaws entitled to allotment in the Choctaw lands in the Indian Territory, is it your intention to remove to the Indian Territory? A Yes sir.

Q Is there any other statement you want to make? A No sir.

Q Any written evidence that you desire to submit to the Commission?

Here L. P. Hudson, attorney for the applicant asks leave to file written evidence in support of this ~~his~~ claim in thirty days from this date.

The applicant is to all appearances a full blood Choctaw Indian. Is unable to speak the English language and understands but little that is said to him, the examination being conducted through an interpreter. It further appears that he and his wife and children have always been residents of the state of Mississippi and that none of them have ever derived any benefits from the Choctaw tribe in the Indian Territory.


Bob Thomas 3

The decision of the Commission as to your application and the application you make on behalf of your wife and five minor children for identification as Mississippi Choctaws will be mailed to you to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of December, 1900.

  
\_\_\_\_\_  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Bob Thomas,  
et al., for identification as Mississippi Choctaws-----M.C.R. 1136

----- D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by Bob Thomas for himself, his wife Daley and his five minor children, Ransom, Berry, Emeline, Sam and Samawail Thomas, under the following provision of the Act of Congress approved June 28, 1898(30 Stats . 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."


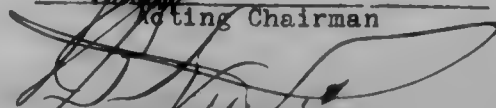
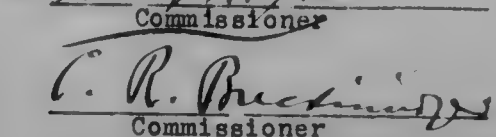
From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902 ( 32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Bob Thomas, Daley Thomas, Ransom Thomas, Berry Thomas, Emeline Thomas, Sam Thomas and Samawail Thomas should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman  
  
Commissioner  
  
C. R. Bucknidge  
Commissioner

M.C.R. 1136

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Bob Thomas, his wife Daley Thomas, and minor children Ransom Thomas, Berry Thomas, Emeline Thomas, Sam Thomas and Samavall Thomas as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Bob Thomas, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tamm Dixby.*

Registered.  
Enc. H.M.V. 20

Acting Chairman.



Muskogee, Indian Territory, March 11, 1903.

Bob Thomas,

Hugo, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Daley Thomas, and your five minor children, Ransom, Berry, Eueline, Sam and Samawail Thomas, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tame Bixby.*  
Chairman.

Registered.

Enc. 1136.

C O P Y .

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, January 8, 1904.

In the matter of the proof of settlement within the Choctaw Chickasaw country of Bob Thomas, his wife, Daley Thomas, and their five minor children, Ransom, Berry, Emeline, Sam and Samawail Thomas, duly identified Mississippi Choctaws Card No. 31, approved roll Nos. 83 to 89 inclusive.

- - - - -

BOB THOMAS being first duly sworn testifies as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Bob Thomas.
- Q What is your age? A Well, I believe that when I went before them down there I told them that I was about 37 and that would make me about 39 or 40 now.
- Q What was the name of your father? A Jake Thomas.
- Q What was the name of your mother? A Martha Thomas.
- Q Are either of your parents living? A No sir.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Daley.
- Q What is the name of her father? A Wahkistubbee.
- Q Is he living? A No sir, dead.
- Q Do you know the name of your wife's mother? A No sir.
- Q Is she living? A No sir.
- Q How many children have you? A Five.
- Q Name your children beginning with the oldest, will you?
- Q A Ransom, Berry, Emeline, Sam and Samawail Thomas.
- Q Are these children all living now and are they living with you? A Yes sir.
- Q Is your wife now living and is she living with you? A Yes sir.
- Q Are you the identical Bob Thomas, and is your wife the identical Daley Thomas, and these five children you have named the identical persons who were by the Commission to the Five Civilized Tribes on February 14, 1903, identified as Mississippi Choctaws, entitled to allotments of the lands of the Choctaws and Chickasaws in Indian Territory? A Yes sir.
- Q When did you remove from the State of Mississippi to the Indian Territory? A It was January 26, 1903.
- Q Did your wife, Daley, accompany you from the state of Mississippi to the Choctaw Nation, Indian Territory? A Yes sir.
- Q Did your five minor children whom you have named, accompany you from Mississippi to the Indian Territory? A Yes sir.
- Q What is your present post office address in the Choctaw Nation? A Spencerville, Indian Territory.
- Q Are you and your wife now living together as husband and wife? A Yes sir.
- Q What, if any, of your property did you bring from Mississippi with you to the Indian Territory? A We just brought our bedding and quilts.
- Q Have you, your wife, and these five minor children, resided continuously in the Choctaw-Chickasaw country since the 26th day of last January up to the present time? A Yes sir.

- Q Is it the intention of yourself and family to accept lands in allotment in the Choctaw Chickasaw country and the make your permanent home in the Indian Territory? A Yes sir.
- Q Who paid your expenses from the state of Mississippi to the Choctaw Nation, Indian Territory? A A white fellow.
- Q What was his name? A Charley Bayless.
- Q Who paid your expenses from Spencerville to Atoka today? A This white fellow here.
- Q What is his name? A Tom Black.
- Q Did Tom Black bring you here from your home for the purpose of having you file on certain land for yourself and family? A Yes sir; this fellow here lives at Hugo and he is a partner of this man Bayless and Bayless has gone back to Mississippi and this man brought me here.
- Q What is the citizenship of Mr. Tom Black? A I do not think he is an Indian .

Witness excused:

Fred V. Kinkade being first duly sworn on oath states that above and foregoing is a true and correct translation of his stenographic notes as taken in said cause on date first above written.

(Signed) Fred V. Kinkade.

Sworn to before me this 26 day of January, 1904.

(-SEAL-)

David Shelby,  
Notary Public.

Lewis T. Martin, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true, full, and correct copy of the original transcript of the testimony of Bob Thomas filed in Mississippi Choctaw Jacket roll No. 83, at the Choctaw Land Office.

*Lewis T. Martin*

Sworn to before me this November 22, 1904.

*David Shelby*  
Notary Public

C O P Y

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
CHICKASAW LAND OFFICE

Tishomingo, I. T. April 11, 1904.

In the matter of the selection of an allotment and designation of a homestead for Ransom Thomas, Mississippi Choctaw card 31, Mississippi Choctaw roll No. 85.

Thomas Ransom being first duly sworn testifies as follows

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Ransom Thomas.  
Q What is your age? A Nineteen.  
Q What is your post office address? A Spencerville.  
Q What is the name of your father? A Bob Thomas.  
Q What is the name of your mother? A Daley Thomas.  
Q Are you a full blood Mississippi Choctaw? A Yes.  
Q Are you married? A Yes.  
Q What is the name of your wife? A Mamie.  
Q Who is Mamie's father? A Frank Johnson.  
Q Who is Mamie's mother? A I don't know.  
Q Is Mamie a full blood Mississippi Choctaw? A Yes.  
Q What is Mamie's post office address in Mississippi? A Avera.

Wife of witness is identified as Mamie Johnson, Mississippi Choctaw card 411, Mississippi Choctaw roll No. 1195

- Q Is your wife Mamie living with you now? A No.  
Q When did you separate from her? A The 18th day of December, 1903? A Yes.  
Q Have either of you been divorced from the other? A No.  
Q When were you married to Mamie? A 29th of August, 1901.  
Q By whom were you married? A J. J. Courtney.  
Q Was he a minister of the gospel? A Justice.

There is offered in evidence marked Exhibit "A" marriage certificate of Ranston B. Thomas and Mimie Johnson.

- Q Are you the Ranston B. Thomas mentioned in this marriage certificate? A Yes.  
Q Is the Mimie Johnson, the Mamie Johnson who was identified as a full blood Mississippi Choctaw on February 14, 1903? A Yes.  
Q When did you leave Mississippi to come to the Choctaw-Chickasaw country? A Last January a year ago.  
Q Did you come directly to the Indian Territory? A Yes.  
Q Did you bring your wife Mamie with you at that time? A Yes.  
Q Did you bring your wife with you at that time? A Yes.  
Q Did you come with your father, Bob Thomas? A Yes.

Reference is made to the testimony of Bob Thomas taken at Atoka, January 8, 1904, relative to the removal to and settlement within the Choctaw-Chickasaw country of himself, his wife and five minor children, Mississippi Choctaw card 31, Mississippi Choctaw roll Nos. 83 to 89 inclusive.

- Q Why have you not appeared before this land office before in order to make proof of settlement within the Choctaw-Chickasaw country? A I had no way to get to the Land Office.

Q Did you not know that it was necessary that you appear before the Commission within a year of your identification to make proof of settlement? A Yes but I didn't have any way to get here.

Helen C. Miller being first duly sworn on oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings, and that same is a correct transcript of her stenographic notes.

(Signed) Helen C. Miller.

Subscribed and sworn to before me this 12th day of April, 1904.

(-SEAL-)

(Signed) J. E. Williams,  
Notary Public.

-----

Lewis T. Martin, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true, and correct copy of a certified copy of the transcript of the testimony of Ransom Thomas, filed at this office in Mississippi Choctaw jacket, roll No. 85.

*Lewis T. Martin*

Sworn to before me this November 22, 1904.

*Wm. Shelly*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, November 18, 1904.

MCI Card-411

Roll-1195

In the matter of the application of Mamie Johnson,  
Identified Mississippi Choctaw, card number 411, approved roll  
number 1195, for the selection of land in allotment.

Mamie Johnson being duly sworn testifies as follows--  
through Jacob Homer, Official Interpreter.

EXAMINATION BY THE COMMISSION:

- Q What is your name? A Mamie Pisachabe.  
Q That is your married name, is it? A Yes sir.  
Q What was your name before you married Pisachabe? A Mamie Thomas.  
Q Were you married more than one time? A I have been married twice.  
Q What was your maiden name? A Mamie Johnson.  
Q What was the name of your father? A Frank Johnson.  
Q What was the name of your mother? A Josephine Johnson.  
Q Where did you live in Mississippi? A In Perry County.  
Q Near what post office? A Brown.  
Q Did you ever live near Avena? A I don't know.  
Q Where was the Commission to the Five Civilized Tribes holding  
sessions when you went before it? A At Meridian, Mississippi.  
Q Are you the identical Mamie Johnson who was on February 14,  
1903, identified by the Commission to the Five Civilized Tribes  
as a Mississippi Choctaw, entitled to an allotment of lands of  
the Choctaws and Chickasaws? A Yes sir.  
Q When did you remove from Mississippi to the Choctaw Nation?  
A About three years ago.  
Q With whom did you come to the Choctaw Nation? A I came with  
Ransom Thomas and his father and mother and my father.  
Q Is Ransom Thomas living now? A Yes sir.  
Q Is he in the Choctaw Nation at this time? A Yes sir.  
Q Is your father, Frank Johnson, living? A Yes sir, he is living  
in the Chickasaw Nation.  
Q When Frank Johnson first came to the Indian Territory where did  
he locate? A At Kilgore.

Reference is made to Identified Mississippi Choctaw  
card No. 110 for the enrollment of Frank Johnson, proof  
of settlement within the Choctaw-Chickasaw country made  
May 18, 1903, Settlement address, Hugo, I. T.

- Q Who was Ransom Thomas's father? A Bob Thomas.  
Q What was his mother's name? A Daley Thomas.  
Q Where is Ransom Thomas living at this time? A On the other  
side of Kiamitia.  
Q What is his post office address? A Spencerville, I. T.

The name of Ransom Thomas appears as number 3 on Ident-  
ified Mississippi Choctaw card number 31, approved roll  
number 85; proof of settlement within the Choctaw-Chick-  
asaw country made January 8, 1904; settlement address,  
Spencerville, I. T.



MCI Card-111-----2:

- Q What is the name of your husband that you are living with at this time? A Harrison Pisachabe.
- Q How long have you been married to him? A About a year.
- Q Are you married to him or just living with him? A Married to him.
- Q Were you divorced from Ransom Thomas? A Yes sir.

The name of Harrison Pisachabe appears as No. 1 on Choctaw by blood card No. 3737, approved roll No. 10559.

- Q Is this the first time you have appeared before the land offices of the Commission to the Five Civilized Tribes for the purpose of making proof of settlement within the Choctaw-Chickasaw country as a Mississippi Choctaw? A Yes sir, this is the first time.
- Q Where are you now living in the Choctaw Nation? A In Kiamitia County.
- Q What is your post office address? A Hugo, I. T.
- Q Have you been living in the vicinity of Hugo, I. T. since your removal from Mississippi to the Choctaw Nation? A Yes sir.

Reference is made to the testimony of Ransom Thomas, former husband of the witness, taken at Tishomingo, Indian Territory, April 11, 1904, and to the testimony of his father, Bob Thomas, taken at the Choctaw Land Office, Atoka, Indian Territory, January 8, 1904, relative to the marriage of the witness to said Ransom Thomas; also as to the time of her removal to, and settlement within the Choctaw-Chickasaw country, copies of which are attached hereto.

- Q How old are you? A Twenty years old.
- Q Have you entered into any agreement or contract with any person looking to the sale or incumbrance of any part of the land which you may be permitted to select in allotment? A No sir.
- Q Where were you living at the time you separated from Ransom Thomas? A On this side of Kiamitia in the Choctaw Nation.
- Q And since you were divorced from him you married Harrison Pisachabe? A Yes sir.

Your testimony will be submitted to the Commission to the Five Civilized Tribes at the General Office at Muskogee, Indian Territory, who will pass upon your right to select lands in allotment at this time.

You were identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes on February 14, 1903, and the treaty of September 25, 1902 covering the allotment of lands to Mississippi Choctaws, requires that proof of residence within the Choctaw-Chickasaw country must be made by each identified Mississippi Choctaw within one year from the date of such identification; your identification having been made February 14, 1903, more than one year has elapsed.

Witness excused.

-----  
Lewis T. Martin, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true and correct copy of his stenographic notes as taken in said cause November 18, 1904.

Sworn to before me this November 22, 1904.

*Lewis T. Martin*  
*John Shelby*



Q Did you not know that it was necessary that you appear before the Commission within a year of your identification to make proof of settlement? A Yes but I didn't have any way to get here.

Helen C. Miller being first duly sworn on oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above proceedings, and that same is a correct transcript of her stenographic notes.

(Signed) Helen C. Miller.

Subscribed and sworn to before me this 12th day of April, 1904.

(-SEAL-)

(Signed) J. R. Williams,  
Notary Public.

-----

Lewis T. Martin, stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a full, true, and correct copy of a certified copy of the transcript of the testimony of Ransom Thomas, filed at this office in Mississippi Chectaw jacket, roll No. 85.

*Lewis T. Martin*

Sworn to before me this November 22, 1904.

*W. H. H. H.*  
Notary Public

Miss. Choctaw 1186  
2007, 2008, 2010.

Muskogee, Indian Territory, November 15, 1902.

T. M. Black,

Woodville, Indian Territory,

Dear Sir:

Your letter of November 5, addressed to J. Blair Shoenfelt, Indian Agent, Muskogee, Indian Territory, has been referred to this Commission for reply. You ask therein to be advised if the names of five Mississippi Choctaws, Charley Thomas, Bob Thomas, Elijah Thomas, Frank Johnson and John Hogan, and their families, are on the tribal rolls.

In reply you are advised that it appears from our records that Frank Johnson, of Hickory, Mississippi, and Elijah Thomas, of Augusta, Mississippi, are applicants to this Commission for identification as Mississippi Choctaws; it further appears from the records of this office that Bob Thomas and Charlie Thomas, of Brown, Mississippi, are applicants for the identification of themselves, their wives and their minor children as Mississippi Choctaws. The records further show that all of the above applicants are full blood Choctaw Indians. The Commission has not yet passed upon the rights of these applicants to identification as Mississippi Choctaws, but it is prob-

and that within the next three days applications for identification  
from all these Mississippi Churches will be passed upon and they  
will be added to the series of the Commission.

It does not appear from our records that John Hogan is an  
applicant for identification as a Mississippi Church under the name  
of John Hogan. If application has been made by him as such "Witness"  
that it would appear that the same was made under another name.

Respectfully,

Acting Chairman.

Miss. Choctaw  
1186, 2007,  
2008, 2010.

Muskogee, Indian Territory, November 18, 1902.

T. M. Black,

Woodville, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 14 asking the status of the following Mississippi Choctaws: Charley Thomas, Bob Thomas and Frank Johnson.

In reply your attention is invited to a letter of the Commission of November 15, 1902, which it is believed fully answers the questions contained in your letter of November 14, 1902.

Respectfully,

Commissioner in Charge.

M O R 1136  
M O R 2010

Muskogee, Indian Territory, January 23, 1903.

T. M. Black,

Paris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th inst., to Mr. David Shelby and by him referred to this Commission for consideration and appropriate action: therein you ask to be advised if the ~~application~~ of Bob and Charley Thomas complied with the fourteenth article of the treaty of 1830.

In reply to your letter you are informed that it appears from the records of the Commission that Bob Thomas and Charley Thomas are applicants to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to the rights of these persons to be identified as Mississippi Choctaws, but is now considering their applications and it is probable decisions will be rendered in the near future. The applicants will be duly notified of the action of the Commission and of the forwarding of the records to the Secretary of the Interior.

You are further advised that the Commission cannot take up and pass upon the sufficiency of evidence offered in support

T. M. Black---2

of applications for identification as Mississippi Choctaws until  
such cases are taken up for final consideration and determination.

respectfully,

Acting Chairman.



M C R 1136  
M C R 2010

Muskogee, Indian Territory, January 25, 1903.

T. M. Black,  
Paris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th inst., in which you ask to be advised if Charley Thomas, his wife and five children, and Bob Thomas, his wife, and five children, and Mamie Johnson, who, you state, are full blood Mississippi Choctaws, are enrolled.

In reply to your letter you are advised that it appears from the records of the Commission that Charley Thomas is an applicant for the identification of himself, his wife and five minor children as Mississippi Choctaws, and that Bob Thomas is also an applicant for the identification of himself, his wife and five minor children as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to the right of the full blood Choctaws residing in Mississippi to be identified as Mississippi Choctaws, but is now considering their applications, and it is probable decisions will be rendered in the near future. Upon the rendition thereof, such applicants will be duly notified of the action of the Commission and of the



T. M. Black---2

forwarding of the records to the Secretary of the Interior.

It does not appear from the records of the Commission that any application has been made for the identification as a Mississippi Choctaw of Mamie Johnson, daughter of Bob Thomas: if she is an applicant, kindly advise the Commission when and where and under what name she made application and such other data as will enable the Commission to identify her as an applicant, when your enquiry regarding her status as a Mississippi Choctaw will receive further consideration.

Respectfully,

Acting Chairman.

2748  
M C R--- 2087  
1136

Muskogee, Indian Territory, January 28, 1903.

Ed P. Scott,  
Paris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th inst., from Mr. Homer Needles and by him referred to this Commission for consideration and appropriate action. Therein you ask to be advised if "Bob Thomas, Kit Reed and Tom Fortune, all full blood Mississippi Choctaws, have been enrolled."

In reply you are informed that it appears from the records in the possession of the Commission that Bob Thomas, Kit Reed and Tom Fortune are applicants to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to the right of these persons to be identified as such Mississippi Choctaws but is now considering their applications and it is probable that decisions will be rendered in the near future. The several applicants will be duly notified of the action of the Commission and of the forwarding of the records to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 9, 1903.

T. M. Black,

Woodville, Indian Territory.

Dear Sir:

Your letter of January 17, 1903, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action.

You ask therein if the ancestors of Bob and Charley Thomas, full blood Mississippi Choctaws, complied with article fourteen of the treaty of 1830. You state that you want to move these Choctaws to the Indian Territory if they are going to get a claim. You also ask for a copy of of the treaty of 1830 between the United States and the Choctaw Nation, and a copy of the treaty of Dancing Rabbit Creek.

In reply to your letter you are informed that it appears from our records that Bob and Charley Thomas are both full blood Mississippi Choctaws, and are applicants to this Commission for the identification of themselves and their families as Mississippi Choctaws, but the Commission has not yet passed upon their rights to identification as such full blood Mississippi Choctaws.

You are further advised that the treaty between the United States and the Choctaw Nation, concluded September 27, 1830,

T M Black-----2

sometimes called the treaty of Dancing Rabbit Creek, may be found in volume 7 of the United States Statutes, page 333.

There is enclosed herewith a copy of the act of Congress of July 1, 1808, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1808, and your attention is invited to sections forty-one, forty-two, forty-three, and forty-four thereof.

Respectfully,

Acting Chairman.

Enc. Choctaw-Chickasaw agreement.

Muskogee, Indian Territory, April 30, 1903.

Ransom Thomas,

Miah, Indian Territory.

Dear Sir:

It appears from our records that on the 23rd day of March 1903, there was received at this office the affidavit of the mother, Mamie Thomas, and that of the midwife, Easter James, relative to the birth on the 8th day of June, 1902, of Anison Thomas, infant son of Ransom and Mamie Thomas.

It further appears from our records that on December 18, 1900, Bob Thomas appeared before the Commission at Hattiesburg, Mississippi, and made application for the identification of himself, his wife Daily Thomas, and minor children Ransom, Berry, Emeline, Sam and Samawail Thomas, as Mississippi Choctaws.

If you are the identical Ransom Thomas for whom application was made at that time, you are requested to inform the Commission when and where you were married to your wife Mamie and whether or not application has heretofore been made to this Commission for her identification as a Mississippi Choctaw. If application has heretofore been made for your wife Mamie Thomas, please state when and where and under what name such application was made and how much Choctaw blood your wife possesses.

W T 2

This matter should receive your immediate attention as no further steps can be taken in the matter of the application for the identification of your infant child as a Mississippi Choctaw until this information is furnished.

Respectfully,

Chairman.

M.C.R. 2008  
" 1136  
" 2007  
" 2010

Muskogee, Indian Territory, February 13, 1908.

Bob Thomas,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself, Charlie Thomas, Elijah Thomas and Frank Johnson, advising that Hugo, Indian Territory, is your present address.

The same has been made a matter of record with the Commission.

Respectfully,

Acting Chairman.



COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, Motturray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Bob Thomas, his wife Daley Thomas, and minor children Ransom Thomas, Berry Thomas, Maeline Thomas, Sam Thomas and Sawwail Thomas as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Bob Thomas, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

Registered.  
Enc. H.M.V. 20

*Tams Dixby.*  
-Acting Chairman.

M.C.R. 1136.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Bob Thomas,

Hugo, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Daley Thomas, and your five minor children, Ransom, Berry, Baseline, Sam and Samawail Thomas, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

R. MED.

*James Bixby*

Chairman.

Registered.

Enc. 1136.

N C R 1136

Muskogee, Indian Territory, March 31, 1903.

Bob Thomas,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Mamie Thomas, and that of the midwife, Master James, relative to the birth of your infant son, Anison Thomas, June 8, 1902. The same have been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 10, 1903.

Ransom Thomas,

Spencerville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 29, 1903, inclosing marriage license and certificate between Ransom Thomas and Mamie Johnson, offered in support of the Mississippi Choctaw case of Ransom Thomas, et al. The same has been filed with the record in said case.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date \_\_\_\_\_

Date: **DEC 18 1900**

Name \_\_\_\_\_

Name Bob Thomas.

Age

34

## Blood

Full.

*Post Office.*

Post Office, (Brown, Miss)

**Father:**

Father: John Thomas - dead.

*Mother:*

Mother: Martha Thomas - dead

## Claims through

broth

WIFE:

Only Thomas. - 33

FATHER:

FATHER: Ukkiatubee. - dead

**MOTHER:**

MOTHER: *~~~~~* - clear

### Children:

Ransom

From as

15.

Berry

80

44

19.

Emeline

4

11

10.

I am

84

4

5.

Samuel

4

4

3

Stenograp her.

Myra Young.

Choc mcr 1137 Dunreath wilkinson

see mcr 726

mcr 1137

CHOCOTAW  
*Dimreath Wilkinson Et al*

REFUSED

DECISION RENDERED JUL 29 1902

RECORD FORWARDED DEPARTMENT.

JUL 29 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 1 1902

OCT 11 1902

REFER TO M. C. R. 726

REFUSED



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Chectaws of Dunreath Wilkinson and her four minor children. Dunreath Wilkinson being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Dunreath Wilkinson.  
Q What is your age? A Forty one.  
Q What is your post-office address? A Kennedy, Alabama.  
Q Do you live in Alabama? A Yes sir.  
Q How long have you lived there? A Eight years.  
Q Where did you live before that? A Mississippi.  
Q How long did you live in Mississippi? A Born and raised in Mississippi.  
Q Did you ever live in the Indian Territory? A No sir.  
Q What is your father's name? A Robert D. Capps.  
Q Is he living? A No sir.  
Q What is your mother's name? A Sophia Capps.  
Q Is she living? A No sir.  
Q Through which one of your parents do you derive your Chectaw blood? A My mother.  
Q How much Chectaw blood do you claim? A One eighth I believe. That is right. My grand father was half, my father a quarter, then I would be one eighth.  
Q Is your name on any of the tribal rolls of the Chectaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Chectaw tribal authorities in the Indian Territory for citizenship in the Chectaw Nation? A No sir.  
Q Have you ever been recognized by the tribal authorities of the Chectaw nation in the Indian Territory as a citizen? A No sir.  
Q Did you or did any one in your behalf in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Chectaw nation under the act of June 10th, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Chectaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.  
Q Have you ever made any application prior to this time for citizenship or enrollment as a Chectaw? A No sir.  
Q This is your first application of any description is it?  
A Yes sir.  
Q It is now your purpose to make application for identification as a Mississippi Chectaw? A Yes sir.  
Q Do you make your claim as a beneficiary under the 14th article of the treaty of 1830? A Yes sir, I believe that is right.  
Q You understand the fourteenth article of the treaty of 1830?  
A I think so.  
Q What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Chectaw tribe of Indians in 1830? A My grand father, Isaac Head.  
Q Did he ever have an Indian name? A No sir, not that I know of..  
Q He was an Indian was he? A He was half. A half breed.  
Q Did you ever see him? A Not to remember.  
Q Do you know how old he was in 1830? A No sir.  
Q Was he of age at that time? A He has been dead about thirty eight years.  
Q How old was he when he died? A Perhaps fifty.  
Q What was his father's and mother's names? A I don't know.

Q Did your grand father or any of your ancestors remove from Mississippi to the Indian Territory at the time the Choctaw Indians removed there? A No sir.

Q Have you any evidence showing that your grand father was a recognized member of the Choctaw tribe of Indians in Mississippi?

A Yes sir.

Q What does it consist of? A Showing that he is an Indian.

Q That he was a recognized member of the tribe here in 1830? You understand that the first requirement would be to establish the fact that he was a Choctaw Indian and recognized as such by the Choctaws, by the authorities of the tribe and the United States Government in 1830. Now what evidence have you that your grand father was a recognized Choctaw Indian in Mississippi in 1830?

Q Well, I don't know that I have evidence that he was a recognized Indian.

Q Did he or any of your ancestors if they were recognized as Choctaw Indians, signify to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain here and become citizens of the United States? A They did remain here.

Q Did they after the conclusion of this treaty in 1830 signify to the United States Indian Agent for the Choctaw Indians their intention to remain as beneficiaries under the fourteenth article of the treaty of 1830 and become citizens of the United States? A I don't know whether they did that or not.

Q Did your ancestors ever receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830?

A No sir.

Q You are making your claim solely under the fourteenth article of the treaty of 1830? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Thomas E. Wilkinson.

Q Is he a white man? A Yes sir.

Q You are not making any claim for him? A No sir.

Q Have you any children? A Yes sir.

Q Do you want to make application for them? A Yes sir.

Q How many children have you? A Four.

Q What are their names and ages? A Marcus Gillespie Wilkinson.

Q How old is he? A He is six years.

Q All right. The next one? A Azalee Dunreath Wilkinson.

Q How old is she? A Five years old.

Q The next one? A Thomas Moody Wilkinson.

Q How old is Thomas? A Two years old.

Q The next one? A Mattie Audry.

Q How old is Mattie? A Ten months old.

Q Is that all? A Yes sir.

Q Have these children always lived with you? A Yes sir.

Q Thomas E. Wilkinson is the father of all four of them? A Yes sir.

Q You are the mother? A Yes sir.

Q Is there any additional statement you desire to make in support of this application? A No sir.

Q Is there any written evidence you desire to submit in support of this application?

Here L. P. Hudson, attorney for applicant asks leave to file written evidence in support of this claim within thirty days from this date, consisting of affidavits and written evidence.

Q Is it your intention to remove to the Indian Territory for the purpose of making a bona fide residence there in the event you are identified by this Commission as a Choctaw Indian? A Yes sir.

Dunroath Wilkinson &

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws will be mailed to you at your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of December, 1900

  
Acting Chairman.

COPY.

N C R 1137.

Muskogee, Indian Territory, July 29, 1902.

Dunreath Wilkinson,  
Kennedy, Alabama.

Dear Madam:

You are hereby advised that on the 29th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Head, et al., embracing the following applications for identification as Mississippi Choctaws:

James F. Head, et al.,	M C R	726
Laura Pickens, et al.,	"	730
Lydia Head, et al.,	"	731
William A. Head, et al.,	"	732
Alzada Nash, et al.,	"	735
Cassie Elizabeth Cammie Lancaster, et al.	"	900
James H. Head,	"	904
Leonard Mason Head,	"	906
Annie Lee Stith, et al.,	"	908
William Y. Head,	"	909
Dunreath Wilkinson, et al.,	"	1157
Owen Head, et al.,	"	1243
James Head,	"	1415
Sidney A. Head, et al.,	"	1430
Sidney I. Watson,	"	1526
James Atkins, et al.,	"	1527
Guy R. Watson,	"	1544
Georgia Vaden, et al.,	"	1747
Fannie McCauley,	"	1748
Catherine McKee,	"	1749
Effie Keltner, et al.,	"	1750
Hugh M. Watson, et al.,	"	1857
Theibert Otho Head, et al.,	"	3487
L. Eunice Rogillio, et al.,	"	3586
Ella Gatlin, et al.,	"	3787
Dora Harvey,	"	4062
Julia Castle, et al.,	"	1904
Millie J. Wilcox, et al.,	"	2948
Willie F. Atkins, et al.,	"	5239
John R. Atkins, et al.,	"	5240

-2-

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James F. Head, Walter Isaac Head, Laura Pickens, William Pickens, Devie E. Pickens, Herbert Houston Pickens, Jesse Leroy Head, Henry Floyd Head, William A. Head, Olive M. Head, Wm. P. Head, Isaac L. Head, Roxy M. Head, Myrtle E. Head, Alzada Hash, Willie Irene Hash, James Arthur Hash, Cassie Elizabeth Cammie Lancaster, Hubert W. Lancaster, James D. Lancaster, Eula Edna Lancaster, Koley May Lancaster, Robert L. Stuckey, Mary Stuckey, William G. Stuckey, James E. Head, Leonard Mason Head, Annie Lee Stith, Stella Maud Stith, William Y. Head, Dunreath Wilkinson, Marcus Gillespie Wilkinson, Asalee Dunreath Wilkinson, Thomas Moody Wilkinson, Mattie Audry Wilkinson, Owen Head, Lee Head, May Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Sidney A. Head, Willavery Head, Bessie Lou Head, Williard Head, Leonard G. Head, Sidney Head, Sidney I. Watson, James Atkins, Essie O. Atkins, Guy E. Watson, Georgia Vaden, Leon Vaden, Fannie McCauley, Catherine McKee, Effie Keltner, Walton Keltner, Norman Keltner, Hugh M. Watson, Houston Pete Watson, Thalbert Othe Head, Carl Head, Fannie Head, Birdie Head, Ruby Head, L. Eunice Rogillie, Lillie Miny Rogillie, Clovia Henry Rogillie, Luther Rogillie, Anna Belle Rogillie, Ella Gatlin, Loes Adelia Gatlin, Verdie Lucell Gatlin, Dora Harvey, Julia Castle, Lessie Castle, Millie J. Wilcox, Belle Wilcox, Ulysses Wilcox, Lurie Wilcox, Dealy Wilcox, Tommy Wilcox, Guy Wilcox, William J. Atkins, Miles Marvin Atkins, Ida May Atkins, John R. Atkins, and Orbyrie Atkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

"It is the further opinion of this Commission that under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Head for the identification of his wife, Lucinda Head, by Laura Pickens for the identification of her husband, Joseph Pickens, by Lydia Head for the identification of herself, and by Almada Nash for the identification of her husband, Robert C. Nash, in each case as an intermarried Mississippi Choctaw, should therefore be refused, and so be ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*I. B. Neelies*

Commissioner in Charge.

Registered.



COPY

Muskogee, Indian Territory, October 11, 1902.

Dunreath Wilkinson,

Kennedy, Alabama.

Dear Madams

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James F. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

(SIGNED).

*I. B. Needles.*

Commissioner in Charge.



MCR 1137

Muskogee, Indian Territory, December 5, 1906.

Dunreath Wilkinson,

Kennedy, Alabama.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

Acting Commissioner.

## For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name *Quireath Wilkison.*Age *41* Blood *1/8*Post Office. *Kennedy Alabama.*Father: *Robert N. Capps - dead.*Mother: *Sophia Capps - dead.*Claims through *Mother*

## HUSBAND:

*Thomas E. Wilkison.*  
(No claim for husband).

## Children:

	<i>Marcus E. Wilkison</i>	<i>6</i>
F	<i>Agnes H.</i>	<i>" 5</i>
	<i>Thomas M.</i>	<i>" 2.</i>
	<i>Mathie C.</i>	<i>" 10 mo.</i>

*Maya Young*

Choc mcr 1138 James Cooper

mcr 1138

Chas

James C. Coffey

Identified.

Decision rendered Feb 20, 1903

Copy of decision forwarded  
attorneys for Choctaw and  
Chickasaw Nations.

Feb 20, 1903

Copy of Decision Forwarded  
Applicant Mar. 11, 1903

10/14/03 P.O. Connersville  
I. J.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

~~In the matter of the application of James Cooper,~~  
et al., for identification as Mississippi Choctaws  
M.C.R. 1138

-----  
----- I N D E X -----  
-----

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Affidavit of R. G. Cowan, E. B. George, Thos. J. George, G. C. Robertson, citizens of Perry County, Mississippi-----	4
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R. 1138

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of James Cooper, his wife and two children. James Cooper being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A James Cooper.  
Q What is your age? A Thirty-two years old.  
Q What is your post-office address? A Hattiesburg.  
Q Mississippi? Yes sir.  
Q Do you live in Mississippi? A Yes sir.  
Q How long have you lived here? A I have lived here a long my life.  
Q Born here? A Yes sir.  
Q Your wife always lived in Mississippi? A Yes sir.  
Q What is your father's name? A Peter Cooper.  
Q Is he living? A No sir.  
Q What is your mother's name? A Betsey Cooper.  
Q Is she living? A No sir, she's dead.  
Q Were they both Indians? A Yes sir.  
Q How much Choctaw blood are you? A Full blood Choctaw.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw authorities in the Indian Territory for citizenship? A No sir.  
Q Did you make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation, that is four years ago? A I don't know as I did.  
Q You know whether you did or not? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation? A No sir.  
Q By judgment of the United States Courts for the Indian Territory? A No sir.  
Q This is the first application you have ever made is it? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q You are making application for your wife as a Mississippi Choctaw by blood too are you? A Yes sir.  
Q What is your wife's name? A Annie Cooper.  
Q How old is she? A She is twenty years old.  
Q How much Choctaw is she? A Full blood Choctaw.  
Q What is her father's name? A Lewis Hawkins.  
Q Is he living? A No sir.  
Q What is your wife's mother's name? A Nancy Hawkins.  
Q Is she living? A No sir.  
Q They were both Choctaw Indians were they? A Yes sir.  
Q Are you making your application for yourself, your wife and children as beneficiaries under the fourteenth article of the treaty of 1830? A I don't understand.  
Q The fourteenth article of the treaty of 1830 provided that if any member of the Choctaw tribe desired to remain in Mississippi they could do so and have the right at any time to remove to the Indian Territory and share in the distribution of the lands of the Choctaw nation. Is that the claim you are making? A Yes sir.  
Q What was the name of your ancestor - do you understand what

James Cooper

the word ancestor means? A No sir.

Q Your father, your grand father or great grand father. Your relations. Do you understand that? A Yes sir.

Q Now what was your grand father's name, your father's father's name? A John Cooper.

Q What was your grand mother's name? A I don't know.

Q What is your wife's grand father's name? A Asatubbee.

Q Did any of your people, your father or your grand father have Indians names? A Yes sir.

Q What are some of their names? A My grand father's Indian name I don't remember.

Q Did any of these people, your grand father or father or your wife's people, either her father, grand father or grand mother, her foreparents - do you understand what I mean by fore parents? A No sir.

Q Do you know what your parents mean? A No sir.

Q Parents mean your father and mother. Do you understand that? A Yes sir.

Q Did your father or grand father or great grand father who went before you, the people from whom you descended, did any of them ever remove from Mississippi to the Indian Territory? A I don't think they have.

Q Do you know whether they have or not? A They have been there and back.

Q When did they go there? A I don't remember.

Q Who was it that went? A John Cooper.

Q Your grand father? A Yes sir.

Q Did he go out there with his family when the rest of the Indians moved to the Indian Territory? A No sir.

Q When did he go? A I don't know when but I heard he had been there.

Q Didn't he go with the rest of the Indians when they moved but there? A No sir.

Q Did he go before? A No sir, after.

Q How long after? A I don't know.

Q Do you know what year? A No sir.

Q Did he take his family with him? A No sir he left his family.

Q Went by himself? A Yes sir.

Q How long did he stay there? A I don't know.

Q About how long? A I don't know.

Q Have you any idea how long he stayed there? A No sir.

Q Did he die in Mississippi? A Yes sir.

Q Haven't you any idea whether he was there five years or ten years? A No sir, no idea.

Q Did any of your wife's people go to the Indian Territory? A No sir.

Q Do you know anything about them? About your wife's parents, her father and mother? A No sir.

Q Don't know whether they ever went to the Indian Territory or not? A No sir.

Q Did any of your people or your wife's people ever receive any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Did you ever get any land from the government here in Mississippi? A No sir.

Q You are making your claim and the claim of your wife and your children under the provisions of the fourteenth article of the treaty of 1830 are you? A Yes sir.

Q Did you ever receive a my benefits from the Choctaw tribe of Indians in the Indian Territory? A No sir.

Q Neither you nor your wife nor children ever received any money from the Choctaw Nation in the Indian Territory? A No sir.

Q What are the names of your children? A My oldest boy aged eight years old.

Q What is his name? A Lonnie.

Q The next one? A Nancy.

Q How old is she? A Two years old.



James Cooper 3

- Q Is that all you have? A Yes sir.  
Q You are the father of both these children are you? A Yes sir.  
Q And Annie Cooper is the mother of both of them? A Yes sir.  
Q These children have always lived with you in Mississippi have they? A Yes sir.  
Q Is there any additional statement you desire to make in support of this application? A No sir.  
Q Any written evidence you desire to offer the Commission in support of your application?

Here L. P. Hudson, attorney for the applicant asks leave to file written evidence in the form of affidavits within thirty days from this date.

This applicant has all appearances of a full blood Choctaw Indian. While he speaks the English language, he does so with some difficulty and is unable to understand English to any extent. He and his wife and children have always lived in Mississippi and from his testimony they appear never to have derived any benefits from the Choctaw Nation in the Indian Territory.

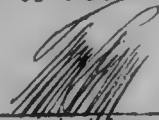
Q In the event that the Commission is able to identify you as a Choctaw Indian entitled to rights under the provisions of the fourteenth article of the treaty of 1830, is it your intention to remove with your wife and family to the Indian Territory for the purpose of establishing a bona fide residence? A Yes sir.

The decision of the Commission as to your application and the application you make on behalf of your wife and your two children for identification as Mississippi Choctaws will be mailed to you in writing to your post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and complete transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of December, 1900.

  
\_\_\_\_\_  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of James Cooper,  
et al., for identification as Mississippi Choctaws

M.C.R. 1138

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by James Cooper for himself, his wife Annie, and his two minor children, Lonnie and Nancy Cooper, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears from the record herein that since the date of the above application there was born to the principal applicant and his wife a child named Mary Cooper.

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902 (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that James Cooper, Annie Cooper, Lonnie Cooper, Nancy Cooper and Mary Cooper should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

~~FEB 14 1903~~

COPY

M.C.R. 1138

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying James Cooper, his wife Annie Cooper and his minor children, Lonnie Cooper, Nancy Cooper and Mary Cooper as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said James Cooper, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Bixby.*

Acting Chairman

Registered  
Enclosure G.H. 65

COPY.

M.C.R. 1138

Muskegee, Indian Territory, March 11, 1903.

James Cooper,

Shady Point, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Annie Cooper, and your minor children, Lennie, Nancy and Mary Cooper as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED

SIG

*James D. Dyer*

Chairman.

Registered.

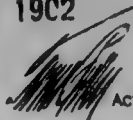
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 30 1902



ACTING CHAIRMAN.

FOR IDENTIFICATION AS  
~~A MISSISSIPPI CHOCTAW~~

IN RE

Application for Enrollment of

INFANT CHILD

*Mary Cooper*

as a citizen of

*Choctaw*

Nation.

Approved,

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

190...

Commissioner.

The within application has been accepted as evidence of the birth of the within named child and will be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its ENROLLMENT as a citizen of the Choctaw nation.



Commissioner

MISSISSIPPI CHOCTAW. C1138.



BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Miss. Choctaw

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,  
of Mary Cooper, born on the 10<sup>th</sup> day of April, 1901.  
(Here insert name of child.)  
Name of Father: James Cooper, a citizen of the Choctaw Nation.  
Name of Mother: Ann Cooper, a citizen of the Choctaw Nation.  
Post-office, Shady Point I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Ann Cooper, on oath state that I am 21  
years of age and a citizen, by blood, of the Choctaw Nation;  
that I am the lawful wife of James Cooper, who is a citizen, by  
blood, of the Choctaw Nation, that a Female child was  
(male or female.)  
born to me on the 10<sup>th</sup> day of April, 1901; that said child has been  
named Mary Cooper, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

J. K. Allen  
B. B. Woodward

Ann Cooper  
mark

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 1902.

B. B. Woodward  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Central District.

I, Emma Thomas, a Midwife, on oath state that I  
attended on Mrs. Ann Cooper, wife of James Cooper,  
on the 10<sup>th</sup> day of April, 1901; that there was born to her on  
said date a Female child; that said child is now living and is said to have been  
(male or female.)  
named Mary Cooper.

WITNESSES TO MARK:

(Must be Two  
Witnesses)

J. K. Allen  
B. B. Woodward

Emma Thomas  
mark

Subscribed and sworn to before me this 26<sup>th</sup> day of April, 1902.

B. B. Woodward  
NOTARY PUBLIC.

Jan 30

Mary Cooper

2. 1063

G-1005

Department of the Interior  
Commission to the Five Civilized Tribes  
Chickasaw Land Office  
Tishomingo, I.T.  
Oct. 8, 1903.

In the matter of the declaration and proof of settlement with-  
in the Choctaw Chickasaw Country of James Cooper, his wife Annie  
and his three minor children Lonnie, Nancy and Mary Cooper,  
Mississippi Choctaw card 365, Mississippi Choctaw roll numbers  
1059 to 1063 inclusive.

James Cooper being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Cooper.  
Q What is your age? A I'm going on thirty five.  
Q What is your post office address? A Connersville.  
Q What is the name of your father? A Peter Cooper.  
Q What is the name of your mother? A Betsey Cooper.  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A Annie Cooper.  
Q Who is Annie's father? A Louis Hawkins  
Q Who is her mother? A I don't know.  
Q How many children have you? A Three.  
Q What are their names? A Lonnie Cooper, Nancy, Mary.  
Q Is Annie the mother of these children? A Yes, sir.  
Q Are you and Annie both full blood Mississippi Choctaws? A  
Yes sir.  
Q What was your post office address in Mississippi? A Hattiesburg  
Q Did you ever live at Shady point Indian Territory? A Yes sir.  
Q When? A Last year.  
Q When did you leave Mississippi to come to the Choctaw Chickasaw  
Country? A I left there in January 1902.  
Q Did you wife Annie and your three minor children, Lonnie, Nan-  
cy and Mary come over here with you? A Yes sir.  
Q Did you bring your household goods with you? A No sir.  
Q What did you do with them? A I just sold some of it.  
Q Have you any home at the present time in Mississippi? A No  
sir.  
Q Do you intend to reside permanently in Indian Territory?  
A Yes, sir.  
Q What will be your permanent post office address? A Conner-  
ville.  
Q Are you the identical James Cooper who with his wife Amanda and  
his three minor children, Lonnie, Nancy and Mary were iden-  
tified by the Commission on February 14, 1903 as full blood  
Mississippi Choctaws? A Yes sir.  
Q Have you made any agreement with a view to leasing the lands  
which you are about to select in the Chickasaw  
Nation? A No sir.

Clara Mitchell Wood being first duly sworn upon her oath states  
that as stenographer for the Commission to the Five Civilized  
Tribes she reported the above proceedings on the 8th day of  
October 1903 and that this is a correct transcript of her  
stenographic notes.

Subscribed and sworn to before me this 16th day of October 1903

*W. H. Rogers*  
Notary Public.

S.A.M.


DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the removal to and settlement within the Choctaw-Chickasaw country, Indian Territory, of Mary Cooper, schedule of identified Mississippi Choctaws No. 1063.

-----

The evidence herein shows that Mary Cooper was identified as a Mississippi Choctaw by the Commission to the Five Civilized Tribes February 14, 1903; that she removed to and established her residence in the Choctaw-Chickasaw country, Indian Territory, in the month of January, 1902; that satisfactory proof of such removal and settlement was submitted to the Commission to the Five Civilized Tribes October 8, 1903; and that she is, therefore, entitled to enrollment as a Mississippi Choctaw, under the provisions of Section 43 of the Act of Congress approved July 1, 1902 (32 Stats 641).



Chairman.

Muskogee, Indian Territory,  
December 12, 1904.

10-22-1907

G1063

165

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
CHICKASAW LAND OFFICE.  
ARDMORE, IND. TER. MARCH 4, 1907.

In the matter of the proof of continuous residence within the Choctaw-Chickasaw country for a period of three years of James Cooper, his wife, Annie Cooper, and their minor children, Lonnie, Nancy and Mary Cooper, identified Mississippi Choctaws, card number 365, schedule numbers I059 to I063, inclusive, approved roll numbers 587 to 591, inclusive:

James Cooper, being first duly sworn by E. M. Fry, a notary public, testified as follows:

EXAMINATION BY THE COMMISSIONER:

- Q What is your name? A James Cooper.  
Q How old are you? A Thirty-nine.  
Q What is your post-office address? A Mill Creek.  
Q Are you a full blood Mississippi Choctaw? A Yes.  
Q What is the name of your father? A Peter Cooper.  
Q What is the name of your mother? A Betsey Cooper.  
Q Are you married? A Yes, sir.  
Q What is the name of your wife? A Annie Cooper.  
Q What is the name of your wife's father? A Lewis Hawkins.  
Q What is the name of your wife's mother? A Nancy Hawkins.  
Q Have you any children? A Yes, sir.  
Q How many? A Five now.  
Q What are the names of these children? A Lonnie, Nancy, Mary and Mandy and Delia Cooper.  
Q Are your wife and these children all living at this time?  
A Yes.  
Q Living with you? A Yes, sir.  
Q How old is Nancy Cooper? A Four.  
Q How old is Delia? A Eleven months.  
Q Have you made application to the Commissioner to the Five Civilized Tribes to have Mandy and Delia Cooper identified as Mississippi Choctaws? A Yes.  
Q Is it your purpose in appearing at the Chickasaw Land Office to-day to submit testimony relative to the continuous residence within the Choctaw-Chickasaw country for a period of three years of your self, your wife, Annie and your minor children, Lonnie, Nancy and Mary Cooper? A Yes.

Applicants are identified as James Cooper, his wife, Annie Cooper, and their minor children, Lonnie, Nancy and Mary Cooper, whose names appear on identified Mississippi Choctaw card number 365, schedule numbers I059 to I063, inclusive, approved roll numbers 587 to 591, inclusive:

Records show that above persons were identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws on February 14, 1903:

Declaration and proof of removal to and settlement within the Choctaw-Chickasaw country of the said James Cooper, his wife, Annie Cooper, and their minor children, Lonnie, Nancy and Mary Cooper was made October 8, 1903:

- Q Did you at one time live in the state of Mississippi? A Yes.
- Q What was your post-office address in Mississippi? A Hattiesburg.
- Q Did your wife, Annie Cooper live with you at Hattiesburg?
- A Yes.
- Q Did you and your wife, Annie Cooper and your minor children, Lonnie, Nancy and Mary Cooper remove from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A Yes.
- Q When was that? A January 17, 1902.
- Q Where did you locate when you came to this country with your wife, Annie Cooper, and your minor children, Lonnie, Nancy and Mary Cooper? A Close to Shady Point.
- Q Where are you living now? A Three miles south of Scullen, in the Chickasaw Nation.
- Q Are you living on the land that was allotted to you by the Commission to the Five Civilized Tribes? A Yes.
- Q Are your wife, Annie Cooper and your minor children, Lonnie, Nancy and Mary Cooper living there with you? A Yes, sir.
- Q Have you or your wife, Annie Cooper and your children, Lonnie, Nancy or Mary Cooper ever been outside of the Choctaw Chickasaw country for the purpose of establishing a residence or making a home elsewhere? A No.
- Q Have you or your wife, Annie Cooper or either of your minor children, Lonnie, Nancy or Mary Cooper ever been off of the lands of the Choctaws and Chickasaws at any time since your removal from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A No.
- Q Do you or your wife, Annie Cooper or either of your minor children, Lonnie, Nancy or Mary Cooper ever expect to go back to the state of Mississippi to live? A No.
- Q Is it your purpose to make this the permanent and bona fide home for yourself, your wife, Annie Cooper and your minor children, Lonnie, Nancy and Mary Cooper? A Yes, sir.
- Q Have you and your wife, Annie Cooper and your minor children, Lonnie, Nancy and Mary Cooper lived continuously on the lands of the Choctaws and Chickasaws now for a period of three years? A Yes.
- Q Is there any one else here to-day who knows you, your wife, Annie Cooper and your minor children, Lonnie, Nancy and Mary Cooper and knows when you removed from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A Yes. William Hawkins and Willis Wade.

William Hawkins, being first duly sworn testified as follows:

- Q What is your name? A William Hawkins.
- Q How old are you? A Forty.
- Q What is your post-office address? A Davis.
- Q Are you a Mississippi Choctaw Indian? A Yes.
- Q Do you know James Cooper, his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper, full blood Mississippi Choctaws? A Yes.
- Q Where did you first know them? A First in Mississippi.
- Q What was James Cooper's post-office address in Mississippi?
- A Hattiesburg.



- Q Did his wife, Annie Cooper and their minor children, Lonnie Nancy and Mary Cooper live with him at Hattiesburg, Mississippi? A Yes.
- Q Did James Cooper and his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper remove from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A Yes.
- Q When was that? A 1902, January 17.
- Q Where did James Cooper locate when he first came to this country with his wife, Annie Cooper and his minor children, Lonnie Nancy and Mary Cooper on the 17th day of January, 1902? A Shadypoint.
- Q Where is he living now? A Three miles of Scullen.
- Q Has James Cooper lived continuously on the lands of the Choctaws and Chickasaws now for a period of three years? A Yes.
- Q Is James Cooper living on the land that was allotted to him by the Commission to the Five Civilized Tribes? A Yes, sir.
- Q Have James Cooper, his wife, Annie Cooper or either of their minor children, Lonnie, Nancy or Mary Cooper ever been outside of the Choctaw-Chickasaw country for the purpose of establishing a residence or making a home elsewhere? A No.
- Q Have James Cooper or his wife, Annie Cooper or either of their minor children, Lonnie, Nancy or Mary Cooper ever been off of the lands of the Choctaws and Chickasaws at any time since their removal from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A No.
- Q Is it the purpose of James Cooper and his wife, Annie Cooper to make this the permanent and bona fide home for themselves and their minor children, Lonnie, Nancy and Mary Cooper? A Yes.
- Q Are you in any way interested in either of their allotments? A No.

Willis Wade, being first duly sworn testified as follows:

- Q What is your name? A Willis Wade.
- Q How old are you? A I don't know about twenty-nine.
- Q What is your post-office address? A Mill Creek.
- Q Do you know James Cooper his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper? A Yes.
- Q Where did you first know them? A In Mississippi.
- Q How long have you known James Cooper and his family? A About five years.
- Q Did James Cooper his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper at one time live in the state of Mississippi? A Yes.
- Q Do you know what their post-office address was in Mississippi? A No.
- Q Do you know when James Cooper, his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper removed from the state of Mississippi to the Choctaw-Chickasaw country? A Yes.
- Q When? A January 17, 1902.
- Q Where did they locate at that time? A Shadypoint.
- Q Where is James Cooper living now? A Lives close to Mill Creek about six miles.
- Q Is James Cooper living on the land that was allotted to him by the Commission to the Five Civilized Tribes? A Yes.
- Q Are his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper living there with him? A Yes.

- Q Have James Cooper or his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper ever been outside of the Choctaw-Chickasaw country for the purpose of establishing a residence or making a home elsewhere? A No.
- Q Have James Cooper or his wife, Annie Cooper or either of their minor children, Lonnie, Nancy or Mary Cooper ever been off of the lands of the Choctaws and Chickasaws at any time since their removal from the state of Mississippi to the Choctaw-Chickasaw country in the Indian Territory? A No.
- Q Is it the purpose of James Cooper to make this his permanent and bona fide home for himself, his wife, Annie Cooper and their minor children, Lonnie, Mary and Nancy Cooper? A Yes.
- Q Do you know of your own personal knowledge that James Cooper his wife, Annie Cooper and their minor children, Lonnie, Nancy and Mary Cooper have lived continuously on the lands of the Choctaws and Chickasaws now for a period of three years? A Yes.
- Q Are you in any way interested in either of their allotments? A No.

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Helen A Smith, Stenographer to the Commissioner to the Five Civilized Tribes, on oath, states that the above and foregoing is a true and perfect transcript of her stenographic notes taken in said cause on said date.

*Helen A. Smith*

Subscribed and sworn to before me this the 15th day of March, 1907.

*E. M. Perry*  
Notary Public.

11

*MMH*

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-----oOo-----

In the matter of making proof of continuous and bona fide residence in the Choctaw-Chickasaw country, Indian Territory, of Mary Cooper, a duly enrolled Mississippi Choctaw, Roll No. 591.

The evidence herein shows that Mary Cooper has been duly enrolled as a Mississippi Choctaw and that her enrollment as such was approved by the Secretary of the Interior January 13, 1905; that satisfactory proof has been submitted to the Commissioner to the Five Civilized Tribes that she has, in good faith, continuously resided upon the lands of the Choctaw and Chickasaw Nations, Indian Territory, for a period of three years subsequent to her identification as a Mississippi Choctaw and that she is therefore entitled to receive a patent for her allotment selection under the provisions of Section 42 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

*J. G. Wright*

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

*Oct 22/07*

1138

James Cooper

**FILED**

JAN 9 1901

COMMISSION TO FIVE TRIBES.

State of Mississippi.

County of Perry.

We the undersigned of the state of Miss. and County of Perry being each for ourselves first duly sworn depose and say that we are well and personally acquainted with James Cooper a resident of the state of Miss. and County of Perry and have known him for many years long past; the said James Cooper is without doubt a full blood Miss. Choctaw Indian and has been so known and recognized by the citizens of this county and state all his life time by both Indians and white people of this vicinity.

We further state and believe that the said James Cooper appeared before the Commission to the Five Civilized Tribes at Hattiesburg, Miss. on Dec. 18 1900.

R. G. Lowman, Pres. Perry Co.

E. B. George

W. J. George (Merchant)

H. C. Robinson, J. P.

Subscribed and sworn to before me this 18 day of Dec. 1900.

Thos. M. Ferguson

Notary Public.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM DIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLIBON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss. Choctaw 1138.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

James Cooper,

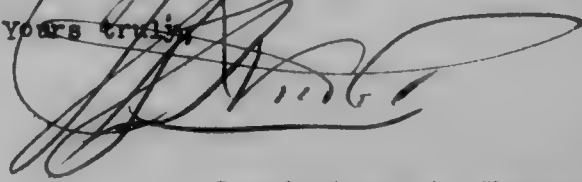
Bokoshe, Indian Territory,

Dear Sir:

As requested in a letter from T. K. Barnett, there is inclosed you herewith a blank form upon which may be forwarded to the Commission evidence of the birth of your child born since the date of your application for the identification of yourself and your family as Mississippi Choctaws.

In having the same executed be careful to see that all blanks are filled out, all names written in full, and that the Notary Public before whom the affidavits are acknowledged attaches his name and seal to each affidavit. Signatures by mark must be attested by two witnesses who can write. Upon receipt of the inclosed blank, in proper form, the birth of your child will be made a matter of record.

Yours truly,



Commissioner in Charge.

B.C.

Miss. Choctaw 1138.

Muskogee, Indian Territory, April 30, 1902.

James Cooper,

Shady Point, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of Mary Cooper, infant daughter of James and Ann Cooper, born April 10, 1901, and the affidavits of the mother and the nurse at the birth of the child have been accepted as evidence of its birth and filed with and made a part of your original application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.



COPY.

H.C.R. 1138

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying James Cooper, his wife Annie Cooper and his minor children, Lonnie Cooper, Nancy Cooper and Mary Cooper as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said James Cooper, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Bixby.*

Registered  
Enclosure G.H. 68

Acting Chairman

COPY.

M.C.R. 1138

Muskogee, Indian Territory, March 11, 1903.

James Cooper,

Shady Point, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Annie Cooper, and your minor children, Lonnie, Nancy and Mary Cooper as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tamo Dixby.*

Chairman.

Registered.

Enc. 1138

N C R 1138

Maskagoe, Indian Territory, April 22, 1905.

James Cooper,

Maskagoe, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the application for the enrollment as a citizen of the Choctaw Nation of Mandy Cooper, infant daughter of James and Anna Cooper, born October 1, 1903.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw.

Date - DEC 18 1900

Name James Cooper.

Age 32. Blood full.

Post Office Nattiesburg, Miss

Father: Peter Cooper - dead.

Mother: Betsy Cooper - dead.

Claims through both parents.

WIFE: Mary Cooper. (full). 20.

FATHER: Lewis Hawkins - dead

MOTHER: Nancy Hawkins - dead

Children:

Lonnie Cooper 8.

Juliet " 2.  
(Nancy)

choc mcr 1139

Billy Hawkins

mcr 1139

MISSISSIPPI CHOCTAW  
ENROLLMENT

X' 11:30

Billy Hawkins, ET AL

IDENTIFIED

Decision rendered Feb 14, 1903

Copy of decision forwarded Attorneys for Choctaw  
and Chickasaw Nations. Feb 21, 1903.

Copy of decision forwarded applicant Mar. 11, 1903.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Billy Hawkins,  
et al., for identification as Mississ-  
ippi Choctaws. M.C.R. 1139.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Billy Hawkins,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1139

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I N D E X  
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Original application of Billy Hawkins, et al., to the Dawes Commission for identification as Mississippi Choctaws	2
Decision of the Commission identifying Billy Hawkins et al., as Mississippi Choctaws	5

*D. 2112*

Commission to the Five Civilized Tribes,  
Spiro, Indian Territory.

In the enrollment of Billy Hawkins as Choctaw by blood; being sworn and examined by Commissioner McKennon, he testifies:  
(Capt. Maytubby, Interpreter.)

- Q How old are you? A Forty-five years.  
Q You are a full-blood Choctaw? A Yes sir.  
Q How long have you been living in the Choctaw Nation?  
A A year last Christmas, December 25th, 1897.  
Q Where did you come from? A Jasper County, Mississippi.

Raised in Jasper County, Mississippi.

- Q Have you any family? A Yes sir.  
Q Is your wife a full-blood Choctaw? A Yes sir.  
Q What is her name? A Louisa Hawkins.  
Q Have you children? A Yes sir.  
Q How many? A Four.  
Q What are their names? A Jordan Hawkins, Ellen Hawkins, James Hawkins, Lillie Hawkins.  
Q They all came here with you? A He says he left them back yonder when he come to this country.  
Q Have they come here yet? A They are back in Mississippi yet  
Q No one came here then but you, of your family? A Said him and his brother's son came together.  
Q But none of his family that he mentions came? A No sir.  
Q Do you and your wife and children all speak Choctaw? A Yes sir, they all speak it.  
Q Can any of you speak English? A They don't know much English.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. D. Green*

TR 1139

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of Billy Hawkins and his two children. Billy Hawkins being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.  
William Lee, Interpreter.

- Q What is your name? A Billy Hawkins.
- Q How old are you? A As well as I understand I am about forty eight years old.
- Q What is your post-office address? A Hattiesburg.
- Q Do you live in Mississippi? A Perry County, Mississippi.
- Q How long have you lived in Mississippi? A I have been in Perry County about twelve years.
- Q How long have you been in the state? A I have been here all my life. Raised in Jasper county.
- Q Born in Mississippi and lived here all your life? A Yes sir.
- Q What is your father's name? A Billy Hawkins.
- Q Did he have any Indian name? A Owachubbee.
- Q Is he dead? A Yes sir.
- Q What is your mother's name? A Tahoka.
- Q Is she dead? A Yes sir.
- Q Your father and mother both full blood Choctaws? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaws in the Indian Territory? A This is my first time.
- Q Did you ever make application to the Choctaw authorities in the Indian Territory for citizenship? A No sir.
- Q Did you make application to this Commission in 1896 under the act of June 10th, 1896, four years ago. A No, I have never bothered with anything of that kind until now.
- Q Never was admitted to citizenship by judgment of the United States Courts in the Indian Territory? A No sir.
- Q Have you ever applied to either the Choctaw authorities or the United States authorities before this time for citizenship or enrollment as a Choctaw? A No sir.
- Q Did you go before the Commission when they were down here in January or February, 1899, up at Decatur or Philadelphia? A No sir.
- Q This is the first time you have ever made an application is it? A Yes sir, the first time. At that time I was in the Territory.
- Q When were you in the Indian Territory.
- Q About two years ago. I was there three months.
- Q Where were you in the Indian Territory? A Skullyville County, near Spiro.
- Q What were you doing there? A I was there before the Commission.
- Q What Commission was it? A I don't know what was the name.
- Q Was it a Choctaw Commission? A Yes sir. Two partners, a white man and a Choctaw partners.
- Q Did you go before somebody who examined like you are being examined now? A There were six or seven in the crowd. They were camped out there and I come to them.
- Q Are you sure that was two years ago; when did you come back from the Indian territory? How long have you been back here? A March sixteen days I come back.

Q March this year? A Yes sir.

Q How long before you came back to Mississippi was it that you went before this Commission in the Indian Territory. Was it the summer before you came back here. You came back here the 16th of March this year? A Yes sir.

Q Now was it the summer before that that you went before this Commission in the Indian Territory. A The fall before that. This last October, from October to October would make it twelve months. Year before last.

Q What did they tell you? A Green McCurtain told me that the Dawes Commission that they would come on and take my name. That they was a coming on.

Q That they were coming from the Indian Territory out here to Mississippi? A Right back there in the same country.

Q You are making application under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you know the name of your grand father who was living here in Mississippi in 1830 at the time the treaty of Dancing Rabbit Creek was made? A No sir.

Q What is your grand father's name? A Ontichkatubbee.

Q That is your grand father's name? A Yes sir.

Q Did he go with the rest of the Choctaws from Mississippi to the Indian Territory? A He never went at all.

Q Did any of your people, your father or your grand father go from Mississippi to the Indian Territory when the Choctaws moved out there? A My mother's sister went out there and came back.

Q Did your father or your grand father or any of your ancestors, - ancestor means any of your people from whom you are descended, like your father, grand father or great grand father - did any of those people on your father's or mother's side ever receive any land in Mississippi under the fourteenth article of the treaty of 1830? A I think they did but I don't know.

Q Did your father or your grand father signify to the Indian Agent here in 1830 after the conclusion of the Dancing Rabbit Creek treaty, their intention to remain and become citizens of the United States? A I don't know.

Q Have you ever drawn any money from the Choctaw tribe in the Indian Territory? A My mother's sister went out there and got her salary and came back and divided with her sister, my mother.

Q Your mother's sister divided with your mother? A Yes sir.

Q When was that? A I don't know how many years it has been, because I was quite a boy then.

Q What is your wife's name? A Louisa Hawkins.

Q She is dead is she? A Yes sir.

Q Do you know what her father's name was? A Yes sir.

Q Did he have an Indian name? A Atokalambe.

Q He is dead is he? A Yes sir.

Q Do you know what your wife's mother's name was? A Ayunah.

Q She is dead is she? A Yes sir.

Q Did your wife's people ever go to the Indian Territory, A Yes sir one went.

Q Which one? A her brother I think.

Q Your wife's brother? A No, her uncle. He died out there.

Q Did he go out there when the Choctaws moved out there?

A Yes sir.

Q Went when the whole tribe went? A Yes sir.

Q Your wife's father and mother never went? A Yes sir, they went and came back here and died.

Q Came back and died in Mississippi? A Yes sir.

Q Did they ever receive any land here in Mississippi from the United States government as beneficiaries under this fourteenth article of the treaty of 1830? A No sir.

Q Have you any children under twenty one years of age? A Yes sir.

Q How many? A Two.

Q What are the names and ages of your children? A Jerden.

Q How old is he? A Twelve years old.

Q What is the name of the other one? A James.

Q A boy or a girl? A Boy.

Billy Hawkins 3

Q How old is he? A Seven.

Q Is that all? A Yes sir.

Q All the children you have? A I have got two more they they is dead. These two are living.

Q Is Louisa Hawkins, your dead wife, the mother of these two children? A Yes sir.

Q These children live with you do they? A Yes sir.

Q Is there anything more you want to say? A Nothing to say right now.

Q Have you any written evidence as to your Choctaw citizenship or your parents remaining in the state of Mississippi or any other documentary evidence ~~showing~~ that you want to submit to the Commission in support of this application?

Here, L. P. Hudson, attorney for the applicant, asks leave to file written evidence in support of this claim during this session of the Commission.

Q In the event that you and your children are identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands in the Indian Territory, is it your intention to remove to the Indian Territory? A Yes sir, that is my intention.

Q You are going to move out there? A Yes sir.

This applicant is a full blood Choctaw Indian and unable to speak English.

The decision of the Commission as to your application and the application you make on behalf of your children for identification as Mississippi Choctaws will be mailed to you at your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young.*

Subscribed and sworn to before me this 19th day of December, 1900.

&

*[Signature]*  
Acting Chairman.

Civil.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Billy Hawkins,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1139

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by Billy Hawkins for himself and his two minor children, Jerden and James Hawkins, under the following provision of the act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and

Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902 (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:


"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Billy Hawkins, Jerden Hawkins and James Hawkins should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory.

FEB 14 1903



Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Billy Hawkins and minor children, Jerden Hawkins and James Hawkins, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Billy Hawkins and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

*James Bixby.*

Chairman.

Registered.

Enc. M.C.R. 1139

COPY.

M.C.R. 1139.

Muskogee, Indian Territory, March 11, 1903.

Billy Hawkins,  
Hattiesburg, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your two minor children, Jerden and James Hawkins, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1903, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tams Dixby.*

Chairman.

Registered.

Enc. 1139.

Atoka, Indian Territory, January 21, 1901.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

I am in receipt of your letter of January 17, 1901, in regard to Mississippi Choctaw cards 557 to 564 inclusive, which have been received and made a part of the office record. I note what you say in regard to card Number 559, Billy Hawkins et al. I have carefully looked up the records, and am of the opinion that this is a duplicate of card Number 548. The testimony taken at Hattiesburg December 18, 1900, shows that Louisa Hawkins, wife of Billy Hawkins, is dead, and that he has two other children beside Jerden and James, who are also dead, though the names are not mentioned. It shows in that testimony that he appeared at Spiro in 1899 and applied to be enrolled as a Choctaw, and I think the evidence is sufficient to warrant the notation suggested by you, and the three persons above referred to, Louisa, Lillian and Ellen have been marked "Dead" and the card cancelled as a duplication of Mississippi Choctaw card Number 548.

Yours truly,

Choctaw 2638  
M C R 1139

Muskogee, Indian Territory, September 6, 1902.

Silas W. James,

Bokoshe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be advised relative to the citizenship of Billy Hawkins, who came from Mississippi and appeared before the Commission at the appointment at Spiro, Indian Territory, in the summer of 1899.

It appears from our records that at Spiro, Indian Territory, in 1899, Billy Hawkins, 35 years of age, appeared before the Commission and made application for the enrollment of himself, his wife, Louisa and his four minor children, Jordan, Ellen, James and Lillie Hawkins, as citizens by blood of the Choctaw Nation.

The applicant stated at that time that he had lived in the Choctaw Nation since December 25, 1897, having come from Jasper County, Mississippi, where he was born and raised.

The Commission was unable to find the name of Billie Hawkins and the names of his wife and children upon any of the Choctaw tribal rolls in the possession of the Commission nor it appear that they had ever been recognized or enrolled by the Choctaw tribal authorities as citizens of that Nation. The

Commission was therefore without authority to enroll these applicants as citizens of the Choctaw Nation.

When the Commission was in the state of Mississippi in the month of December, 1900, at Hattiesburg, Mississippi on December 18, 1900, a Billy Hawkins, who gave his age as 45 years, appeared before the Commission and applied for the identification of himself and his two minor children, Jordan and James Hawkins as Mississippi Choctaws. The applicant stated at that time that he had previously lived in the Indian Territory and had appeared before the Commission at Spiro in 1899: From this information it was discovered that the applicant at Hattiesburg, Mississippi on December 18, 1900 was the identical person who had appeared before the Commission at Spiro in the summer of 1899.

Billy Hawkins and his two minor children now appear upon our records as applicants for identification as Mississippi Choctaws. No decision has been rendered in their case nor will the same be taken up for consideration until after the disposition by the Choctaw and Chickasaw citizens of the pending supplemental agreement.

The Commission fully advised you on August 8, 1902, relative to the facts shown from our records concerning the application appearing upon our 1896 citizenship docket of B. W. James. As was stated in that letter, there was filed with the

5723

application made by R. L. Raben to citizenship in the Choctaw Nation, an affidavit sworn to by S. W. James.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 1139

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Billy Hawkins and minor children, Jordon Hawkins and James Hawkins, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Billy Hawkins and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED:

*Tams Bixby.*

Acting Chairman.

Registered.

Enc. M.C.R. 1139



M.C.R. 1139.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Billy Hawkins.  
Hattiesburg, Mississippi.

*Remailed to Shady Point P.O.  
July 2 1903*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your two minor children, Jorden and James Hawkins, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1903, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Thomas H. Marking*  
Chairman.

Registered.

Enc. 1139.

M C R 1957  
M C R 1136  
M C R 1107

Muskogee, Indian Territory, March 14, 1903.

J. B. Jackson,

Shady Point, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, relative to the Mississippi Choctaw families of Billy Hawkins, John Parker and William Hawkins. You state that one Spencer Cooper was enrolled at Decatur, Mississippi, with the family of William Hawkins.

In reply you are informed that on February 14, 1903, the Commission rendered its decision identifying Billy Hawkins and his two minor children, Jerden and James Hawkins, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw-Chickasaw country, Indian Territory. On March 11, 1903, he was duly notified by registered mail of the action of the Commission and a copy of the decision of the Commission forwarded him.

In your letter you state that Billy Hawkins and family are now residents of Shady Point, Indian Territory, and you are informed that Billy Hawkins will have six months from August 14, 1903, within which to make proof of removal and settlement within the Choctaw-Chickasaw country. Such proof can be made at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo,

J. B. J. 2

Chickasaw Nation, Indian Territory.

Relative to the cases of John Parker and family and William Hawkins and family, the Commission has not yet reached any opinion or decision relative to their rights to be identified as Mississippi Choctaws. It is expected, however, that a decision will be rendered in the near future, and the applicants will be duly notified of the action of the Commission.

You are further advised that a careful search of the records of the Commission has been made and it is not found that any person by the name of Spencer Cooper is an applicant to this Commission for identification as a Mississippi Choctaw, and it is suggested that he make personal appearance before the Commission at its office at Muskegee, Indian Territory, prior to March 25, 1903, and present his application. After this date the Commission cannot receive or consider applications for identification as Mississippi Choctaws.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 28, 1903.

William Hawkins,

Shady Point, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised relative to filing on land in the Choctaw-Chickasaw country for your brother, George Hawkins. You also enclose postal card from the insane asylum, Asylum, Mississippi, as to his mental condition.

In reply you are informed that it appears from our records that in the state of Mississippi, in the year 1899, you appeared before this Commission and made application for the identification of yourself, your wife, Jane, your brother George, and a boy named Penoil Cooper.

At the time you made application you testified as follows:

"I am 33 years old, and a full blood Choctaw. My wife is a full blood named Jane, 21 years old. We have no children. My brother living with me. His name is George Hawkins, 22 years old. I also have a boy named Penoil Cooper, 16 years old, living with me."

From the above statement the Commission is unable to render any decision as to the rights of George Hawkins to identification as a Mississippi Choctaw, and it does not appear that he

W H 2

has ever made personal application to this Commission for such identification.

If you desire to offer additional evidence in support of the claim of George Hawkins, it will be necessary for you to appear in person before the Commission at its office at Muskogee, Indian Territory.

The postal card enclosed by you is herewith returned as requested.

Respectfully,

McM 27

Commissioner in Charge.

Muskogee, Indian Territory, November 19, 1903.

William Hawkins,  
Shady Point, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th ultime, in which you ask to be advised relative to filing on land in the Choctaw-Chickasaw country for your brother, George Hawkins. You also enclose postal card from the insane asylum, Asylum, Mississippi, as to his mental condition.

In reply you are informed that it appears from our records that in the State of Mississippi, in the year 1899, you appeared before this Commission and made application for the identification of yourself, your wife, Jane, your brother George, and a boy named Pencil Cooper.

At the time you made application you testified as follows:

"I am 33 years old, and a full blood Choctaw. My wife is a full blood named Jane, 21 years old. We have no children. My brother living with me. His name is George Hawkins, 22 years old. I also have a boy named Pencil Cooper, 16 years old, living with me."

From the above statement made by you in 1899 relative to your brother George Hawkins, the Commission is unable to render any decision as to his rights to identification as a Mississippi Choctaw.

W H 2

It does not appear from a further examination of our records that George Hawkins has ever personally appeared before the Commission as an applicant for identification as a Mississippi Choctaw, nor that any other person representing him has made such application.

From your statement it would appear that your brother is mentally incapable of making such application and is permanently confined in the asylum in Mississippi.

The provision of law guaranteeing to Mississippi Choctaws any rights requires that they must remove to the Choctaw-Chickasaw country in order to receive such benefits. It would, therefore, be absolutely necessary for George Hawkins, even in the event of his identification as a Mississippi Choctaw, to remove to and establish his residence in the Choctaw-Chickasaw country, Indian Territory.

Inasmuch however as he will probably be cared for at the insane asylum in Mississippi, it does not appear that any advantage could be gained by now prosecuting his claim to identification as a Mississippi Choctaw. If, however, you are desirous of presenting further evidence in support of his claim, the testimony of such witnesses as you may offer will be heard at the office of the Com-



W K 3

mission to the Five Civilized Tribes at Muskogee, Indian Territory.

Respectfully,

Chairman.

MoM 27

## For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name Billy Hawkins

Age 48. Blood full

Post Office, Hattiesburg, Miss.

Father: Billy Hawkins - dead.

Mother: Choctaw - dead.

Claims through both parents.

WIFE: Louisa Hawkins - dead.

FATHER: Otopalant - dead

MOTHER: Oymunah - dead

Children:

Jorden Hawkins 12.

James " " 7.

Stenographer:

Myra Young

mcr 1140 John Faure

see mcr 1142

mcr 1140

DECISION RENDERED

MAY 17 1904

IDENTIFIED

MAY 17 1904

COPY OF DECISION FORWARDED

APPLICANT

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS,

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

MAY 17 1904

1904

DECISION RENDERED

1904

REFUSED

NOTICE OF DECISION FORWARDED

APPLICANT

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS,

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

JUL 29 1904

JUL 29 1904

RECORD FORWARDED DEPARTMENT

AUG 15 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

NOV 10 1904

NOTICE OF DEPARTMENTAL

ACTION MAILED APPLICANT

NOV 10 1904

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEYS FOR CHOCTAW

AND CHICKASAW NATIONS

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEY FOR APPLICANT

NOV 10 1904

REFER TO M.C.R. 1142.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Favre, et al.,  
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of  
John Favre, et al., for identification as Mississippi  
Choctaws, M.C.R. 1140.

-oOo-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Favre, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1140.

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-oOo-

B 1140

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of John Favre, his wife and two minor children. John Favre being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission/

- Q What is your name? A John Favre.  
Q How old are you? A I am going on twenty seven.  
Q What is your post-office address? A Dill, Post Office.  
Q Mississippi? A Yes sir.  
Q Do you live in Mississippi? A Yes sir.  
Q How long have you lived here? A Born here.  
Q Ever lived any where else? A No sir.  
Q Lived here all your life? A Yes sir.  
✓Q What is your father's name? A Jules Favre.  
Q Is your father living? A My father's dead.  
✓Q What is your mother's name? A Elizabeth.  
Q Is she living or dead? A Dead.  
✓Q Were your father and mother both full blood Choctaws?  
A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make appl cation to the Choctaw tribal authorities for citizenship in the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you make application in 1896 to the Dawes Commission for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.  
Q Have you ever made appli cation before this time to either the Choctaw tribal authorities in the Indian Territory or to the authorities of the United States for either citizenship or enrollment as a Choctaw, A No sir.  
Q Did you make application or did any one make appli cation for you when the Commission was in Mississippi in 1899? A No sir.  
Q This is the first time you have ever made application? A The first time, yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q Are you claiming your rights under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.  
Q What was your grand father's name? A Charley Favre.  
Q Do you remember him? A No sir.  
Q Did he go to the Indian Territory? A No sir.  
Q Did he die in Mississippi? A Yes sir.  
Q Do you know when he died? A No sir.  
Q Did any of your people move to the Indian Territory with the Choctaw Indians when the rest of the tribe were moved out there? A No sir.  
Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.  
Q Your people have always lived in Mississippi? A Yes sir.



John Favre

Q Did you ever hear of any of them living in the Indian Territory? A No sir.

✓Q What is your wife's name? A Louisa Favre.

Q How old is she? A Twenty two.

✓Q What was her father's name? A William Battiest.

Q Is he living? A He's dead.

✓Q What is your wife's mother's name? A I don't know.

Q Never heard it? A No sir.

Q Is she dead? A Yes sir.

Q Do you know anything about your wife's people if they ever moved to the Indian Territory? A No sir.

Q Did you ever know your wife's grand father or grand mother? A No sir.

Q Do you know whether any of them ever received any land in Mississippi as beneficiaries under this article of this treaty?

A I didn't get married here in Mississippi. I got married in Louisiana.

Q Your wife lived in Louisiana? A Yes sir.

Q What part of Louisiana? A At Westport, Louisiana.

Q Were your wife's people originally from Mississippi? A No sir.

Q Didn't they come from Mississippi to Louisiana? A No they lived in Louisiana. Only my wife left.

Q Have you any children? A Yes sir I got two children.

Q What are the names of these children? A Noah Favre.

Q How old is he? A Six years old.

Q What is the other ones name? A Cecelia, a girl, about three months old.

Q They are all the children you have? A Yes sir.

Q You are the father of both of them? A Yes sir, I had three but one of them died.

Q Is there any additional statement you want to make? A No sir.

✓Q Is your wife a full blood Indian? A Yes sir.

Q Is there any written evidence you desire to file with the Commission? A No sir.

This applicant is to all appearances a full blood Choctaw Indian. He is unable to speak the English language to any extent.

The decision of the Commission as to your application and the application you make on behalf of your wife and two children for identification as Mississippi Choctaws will be mailed to you in writing to your present post-office address.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young.*

Subscribed and sworn to before me this 19th day of December, 1900.

*[Signature]*  
Acting Chairman.

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INDIAN TERRITORY, )

*Quinton* District. ) ss.

Before me, the undersigned authority, personally appeared John Favre, who being first duly sworn, on his oath testified as follows:

Q What is your name, age, and post-office address? A

Q Are you the identical John Favre who, on December 18, 1900, appeared before the Commission to the Five Civilized Tribes at Hattiesburg, Mississippi, and there made application for the identification of himself, his wife, Louisa, and two minor children, Noah and Cecilia Favre, as Mississippi Choctaws?

Q What is your father's name? A *Julie Favre*

Q Is he living or dead? A *Dead*

Q Was he a full-blood Choctaw Indian? A *yes*

Q What is your mother's name? A *Sub-Bell Favre*

Q Is she living or dead? A *Dead*

Q Was she a full-blood Choctaw Indian? A *yes*

Q How old is your wife, Louisa, at this time? A *about 25*

Q Is she a full-blood Choctaw Indian; if not, how much Choctaw blood does she possess? *She is a full blood*

Q What was her father's name? A *William Baptiste*

Q Is he living or dead? A *Dead*

Q Was he a full blood Choctaw? A *yes*

Q What is your wife's mother's name? A *adlena (Pisatimah) Toby*

Q Is she living or dead? *Dead*

Q Was she a full blood Choctaw? A *yes*

Q Is your wife, Louisa, the mother of the two children for whom you made application? *She is*

*Lulu Favre*

witnesses to  
mark.

Subscribed and sworn to before me this *5th* day of *October* 1903.

*55 Talson*

Notary Public.

(COPY)

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of David Favre, his wife and one child. David Favre being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A David Favre.  
Q How old are you? A Going on twenty two.  
Q What is your post-office address? A Dill, Post Office Mississippi.  
Q How long have you lived in Mississippi? A I was born here  
Q Lived here all your life? A Yes sir.  
Q Never have lived any where else? A No sir.  
Q Are you a full blood Choctaw? A Yes sir.  
Q What is your father's name? A Jules Favre.  
Q Is he living? A Head.  
Q You are an orphan, are you? A Yes sir.  
Q What is your mother's name? A Elizabeth Favre.  
Q Is she dead? A Yes sir.  
Q What is your wife's name? A Frazine  
Q Is she a full blood Choctaw? A Yes sir.  
Q How old is your wife? A About twenty.  
Q What is her father's name? A Joe Hutson.  
Q Is your wife's father living? A No sir.  
Q What is your wife's mother's name? A Louisa Hutson.  
Q Is she dead? A Yes sir.  
Q Is your name or your wife's name on any of the tribal rolls of the Choctaw Indians in the Indian Territory? A No sir.  
Q Did you or your wife ever make application to the Choctaw tribal authorities in the Choctaw Nation in the Indian Territory for citizenship? A No sir.  
Q Did you or your wife or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896, four years ago? A No sir  
Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.  
Q This is the first application either of you have ever made is it? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q What was the name of your grand father? A Charley Favre.  
Q What was your ~~great~~ great grand father's name? A I don't know.  
Q Did your ancestors remove from Mississippi to the Choctaw Nation in the Indian Territory at the time the other Choctaw Indians moved out there? A No sir.  
Q They remained herein Mississippi? A Yes sir.  
Q Do you know whether any of your people ever removed to the Indian Territory? A No sir.  
Q Any of your wife's people? A No sir.  
Q Did your people or your wife's people signify to the United States Indian Agent in 1830 their intention to remain and become

David Favre 2

- citizens of the United States? A Yes sir.
- Q Did they ever receive any land as benefits under the fourteenth article of the treaty of 1830? A No sir.
- Q Did you or your wife ever receive any benefits from the Choctaw tribe of Indians in the Indian Territory? A No sir.
- Q Ever get any money from them? A No sir.
- Q Never been recognized by them as citizens? A No sir.
- Q How many children have you? A One.
- Q What is its name? A Billy.
- Q How old is Billy? A About a year old.
- Q This is a child by your wife Frazine Favre? A Yes sir.
- Q Is there any additional statement that you want to make? A None.
- Q If the Commission is able to identify you and your wife and child as Mississippi Choctaws entitled to rights in the Choctaw lands in the Indian Territory, is it your intention to remove to the Indian Territory? A Yes sir.

This applicant is to all appearances a full blood Choctaw Indian and is able to speak and understand but little English.

The decision of the Commission as to your application and the application you make on behalf of your wife and child for identification as Mississippi Choctaws, will be mailed to you in writing to your present post-office address.

Myra Young, Having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

(Signed) MYRA YOUNG.

Subscribed and sworn to before me this 19th day of December, 1900.

(Signed) TAMS BIXBY,  
Acting Chairman.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, upon oath states that the above and foregoing is a true copy of the original testimony of David Favre now on file with the Commission.

Subscribed and sworn to before me this 26th day of February, 1904.

*Josie Davies*  
*Edward M. Smith*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Bay St. Louis, Mississippi, March 17, 1903.

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In the matter of the application for the identification of David Favre, et al., as Mississippi Choctaws.

Joseph J. Favre, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph J. Favre.  
Q What is your age? A Forty-six.  
Q What is your postoffice address? A Bay St. Louis.  
Q Are you a Choctaw Indian? A Yes sir, by blood; I am one-fourth.  
Q Have you ever made application for identification as a Mississippi Choctaw to the Commission to the Five Civilized Tribes at any time?  
A No sir.  
Q Is it your intention to ever do so? A I don't know as I will.  
Q You don't care to do so at this time? A No sir.  
Q Are you acquainted with a Choctaw Indian by the name of David Favre whose postoffice address is Dill Postoffice, Mississippi?  
A Yes sir.  
Q Is he related to you? A Yes sir.  
Q What relationship does he bear to you? A My half nephew.  
Q His father was what relation to you? A My half brother, Jules Favre.  
Q What was this David Favre's mother's name? A They called her Zabelle.  
Q Did she ever go by the name of Elizabeth? A Not that I know of.  
Q What is David Favre's wife's name? A Frazine.  
Q What was the name of the father of Frazine Favre? A His name was Joe Hutson.  
Q What was her mother's name? A Her name is Louise, I think. Her father I think is a Thomas--I am not certain about that.  
Q You think her name is Louise? A Yes sir, I know that--her grand mother's name is Mary.  
Q Do you know David Favre's grandfather's name on his father's side? A Charley Favre.  
Q Has David Favre any children that you know of? A Yes sir, he has I think two or three children--I dis-remember.  
Q Did he have one named Billy? A Yes sir, the last one, the little one.  
Q Has he any children living now that you know of? A I cant say--its out there.  
Q How much Choctaw blood to your knowledge is David Favre possessed of? A About three-quarters I believe.  
Q How much Choctaw blood did his father have? A Well, he was; his father was mine and of course the old man was supposed to be a half blood but his mother was an Indian.  
Q Was a full blood Choctaw Indian? A Yes sir.  
Q His father was a half blood and his mother was a full blood?  
A Yes sir.  
Q And his father was your father? A Yes sir.

David Favre, et al.-2

Q Now, where is David Favre at this time? A At Ardmore, Indian Territory.

Q When did he leave Mississippi for there? A Somewhere around Christmas time.

Q Either the end of last year or the first of this year? A Yes sir.

Q Do you know of your own personal knowledge who it was that induced David Favre to remove from Mississippi to Indian Territory?

A Well, no; I see this fellow Arnold; he sent men after them. He had George Windom who's in the Territory now. He had married one of the Choctaw girls out here.

Q George Windom was an Agent of Arnold's? A Yes sir.

Q Induced these Indians to remove? A Yes sir and Jim Burns was another Agent.

Q It was one of these two men? A And John Harris, he was an Agent of Arnold's.

Q And it was one of these three Agents of Arnold or Arnold himself that induced David Favre to go to the Territory? A Yes sir.

Q Did he take with him his wife and child to the Territory? A Yes sir, they say he is.

Q His wife and child aren't here in the community now? A No sir.

Q What knowledge have you as to his intention of remaining in the Indian Territory? A He's trying to get back. He's like the balance of them that went there; they can't stand it--its so different from this place.

Q Has he any relative here in Mississippi now aside from yourself?

A His aunt is here, from his mother's side--Louisa who's the mother of this John Thomas.

Q Has David Favre ever notified them that he desired any assistance in the way of money for paying his fare back to Mississippi? A He's got somebody to send to the Choctaw government for him to see if they can't appropriate money for him to get back home; that's what his brotherinlaw told me--his name is Joe Stout.

Q Do you live in the community of Choctaw Indians who reside in the vicinity of Bay St. Louis? A Yes sir, out here five miles.

Q Do you know of your own personal knowledge whether those Choctaw Indians that reside in your community intend to appear before the Commission at this place and make application? A I don't think they will bother with it from the news those two families fetch back.

Q Have you heard any statements made by them which would verify the statement that you have just made in regard to their intention of coming here? A Well, when I heard them speaking--my brotherinlaw told me he wouldn't stay if they would give him the whole Territory for he didn't think he could live there for cold and things like that. He said they all had the same complaint, they all wanted to go that went from here. There was a fellow by the name of Seymour Favre that came from Louisiana, a half brother of mine, he says he will try to stay there.

Q Do you know whether the Choctaw Indians residing in your neighborhood are aware of the fact that the Commission, the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, has an office established here in Bay St. Louis, yesterday, today and tomorrow? A I don't know; I told my brotherinlaw that you would be here this week--he's sick home now.

Q Are you acquainted with the Choctaw Indians living within a radius of one hundred miles of this place in the inland? A Yes sir, about so--I know nearly all there is in Louisiana, or nearly all that live in Hancock County.

Q And in the adjoining county, in the county east of this?

A In Harrison County, there's one half breed Indian living near Long Beach, Mrs. Fonia; that's the only one I know living that way.

Q Are you acquainted with the Choctaw Indians living in the southern portion of Pearl River County? A No sir, I aint acquainted there.

Q Of the Choctaw Indians that you know in Hancock County and Harrison County do you know whether most of them have made application to the Commission at its various appointments through Mississippi?

A Well, I cant say in Harrison County whether there's any left or not but there were a good many went before the Commission at Hattiesburg. Pretty well all I know about went there from this county, and Louisiana. There's two old ladies in Louisiana yet but I don't think they want to interfere with it.

Q About how many Choctaw Indians would you judge from your own personal knowledge, that live in this county and along the Louisiana border, that haven't applied --about how many? A There's only one here that I know of, in Hancock County and one old paralyzed fellow that cant walk--of course he don't know what's going on, old Jim Thomas--that's the only ones that hasn't went.

Q The rest of them then have all made application at some place, either at Hattiesburg or some other place in Mississippi? A Yes sir, at Meridian and Hattiesburg. Theres only half and quarter bloods here at the Bay and I don't think they want to fool with it.

Q You say that you have a son that has gone to Indian Territory?

A Yes sir, him and his wife and his brother in laws, they were Yearbys

Q Is it their intention to remain in Indian Territory? A No sir, they're crazy to come home; my son wrote me to send him one hundred dollars to come back here.

Q For what purpose? A For coming home--his baby is sick and they say he cant get nothing out there anyway.

Q He has never made any application? A No sir, I don't think he has. He cant stay there.

Q What is his name? A Charles F. Favre.

Q Where is he located now? A Ardmore, Indian Territory.

Q He was removed also by Arnold or his Agent? A Yes sir, Arnold was the head man.

-----

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Bay St. Louis, Mississippi, March 17, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 24th day of April, 1903.

*Charles H. Sawyer*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Favre, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1140.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by John Favre for himself, his wife, Louisa Favre, and his two minor children, Noah and Cecilia Favre, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that Louisa Favre is a full-blood Mississippi Choctaw Indian. All the other applicants are mixed blood Choctaws, and

(2)

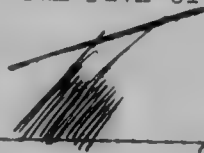
whatever rights as Mississippi Choctaws they may possess by reason thereof, will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that  
• Louisa Favre should be identified as a Mississippi Choctaw Indian, and it is so ordered.

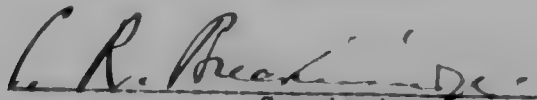
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY 17 1904

M.C.R. 1140

COPY:

Muskogee, Indian Territory, May 17, 1904.

Louisa Favre, *Remailed 7/28/04 to Overbrook ID*  
Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 17, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 17, 1904, and must make proof of such removal and settlement on or before May 17th, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Registered.

Incl. MCR 1140.

M.C.R. 1140

COPY.

Muskogee, Indian Territory, May 17, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 17, 1904, rendered its decision identifying Louisa Favre as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 17, 1904, and must make proof of such removal and settlement on or before May 17, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Lane Barby.*

Chairman.

Registered.

M.C.R. 1140  
COPY.

Muskogee, Indian Territory, May 17, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 17, 1904, identifying Louisa Favre as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Louisa Favre as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file protest within the time allowed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Incl. MCR 1140.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of John Favre, et al., for identification as Mississippi Choctaws, consolidating the applications of:

John Favre, et al.,	M.C.R. 1140
David Favre, et al.,	M.C.R. 1142

List of papers forwarded to the Secretary of the Interior comprising the applications in the above case.

	(Page)
Original application of John Favre, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit as to birth of Sallie Favre-----	3
Affidavit as to birth of Julia Favre-----	4
Original application of David Favre, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	6
Testimony of Joseph J. Favre-----	7
Certified copy of affidavit of David Favre-----	10
Decision of the Commission refusing the applications in the consolidated case of John Favre, et al., as Mississippi Choctaws-----	12

-oOo-

COPY!

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

In the matter of the application of John Favre, et al., for identification as Mississippi Choctaws, consolidating the applications of:

John Favre, et al.,	M.C.R. 1140
David Favre, et al.,	M.C.R. 1142.

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John Favre for himself, his wife, Louisa Favre, and his four minor children, Noah, Cecelia, Sallie and Julia Favre; and by David Favre for himself, his wife, Frazine Favre, and his minor child, Billy Favre, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the records of the Commission it appears that Louisa



Favre on May 17, 1904, and Frazine Favre on March 4, 1904, were duly identified as Mississippi Choctaws under the provisions of section forty-one of the act of Congress approved July 1, 1902. The principal applicants herein on their first appearance before this Commission at Hattiesburg, Mississippi, on December 18, 1900, stated that they were full blood Choctaw Indians, but subsequent thereto an affidavit has been filed by the principal applicant in M.C.R.

1142, who is a brother of the principal applicant in M.C.R. 1140, that his father was an one-half or three-quarter blood Choctaw Indian. The evidence shows that all the applicants herein except the wives of the principal applicants, are mixed blood Choctaws, and as such do not come within the purview of said section forty-one of the act of Congress above cited.

It also appears that all of the applicants herein, except Louisa Favre, applicant in M.C.R. 1140 and Frazine Favre, applicant in M.C.R. 1142, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Charley Favre, who is alleged to have been a Choctaw Indian, degree of blood not stated, and Elizabeth (or Zabelle) Favre, nee Yearby, who is alleged to have been a full blood Choctaw Indian; that the minor applicants in M.C.R. 1140 also claim said rights by reason of being a descendant of William Battiest, who is alleged to have been a Choctaw Indian, degree of blood not stated, and that the minor applicant in M.C.R. 1142 also claims said rights by reason of being a descendant of Joe Hutson (or Hudson), and Mary Thomas, both of whom are alleged to have been full blood Choctaw Indians.

It appears from the evidence submitted by the applicants

herein that the minor applicant in W.C.R. 1142 also claims from a another Choctaw ancestor contemporaneous with Mary Thomas, but as only the surname of this ancestor is given, it is therefore impossible for this Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321); nor does it appear that any of the applicants herein are parties litigant before the Choctaw-Chickasaw Citizenship Court, created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Charley Favre, or Klizabeth (or Zabelle) Favre, nee Yearby, or William Battiest, or Joe Hudson (or Hudson), or Mary Thomas, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw

Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Favre, Noah Favre, Cecelia Favre, Sallie Favre, Julia Favre, David Favre and Billy Favre, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Dixby.*

Chairman.

(SIGNED)

*T.B. Needles.*

Commissioner.

(SIGNED)

*C.R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

JUL 29 1904

... FER TO M. C. R. / 40

John Favre et al

Consolidated Case

Care

Charley Favre f. b.

Jules Favre f. b. <sup>dead</sup>  
wife

Elizabeth Favre f. b. <sup>dead</sup>

~~Alba Favre ?~~

~~wife  
Idese Metbrook~~

NOV  
11/40

John Favre 27 f. b.  
wife

\* Louisa Favre f. b.

Parents of wife

\* William Battiest. <sup>ch. dead</sup>  
m. ——— Battiest <sup>ch. dead</sup>

\* Claims for wife

NOV  
11/40

Noah Favre 6

" Cecelia Favre 3mo.

NOV  
11/42

David Favre 22 f. b.  
wife

\* Frazine Favre f. b.

Parents of wife

\* Joe Hutson <sup>ch. dead</sup>

m. Louisa Hutson <sup>ch. dead</sup>

\* Claims for wife

NOV  
11/42

Billy Favre 1

NOV  
12/36

~~Louis Favre 63 1/2~~

\* Witness in this case testifies that  
Charley Favre is app'ts grand father -  
presumably identical with Charley Favre

Ardmore, I. T. February 16, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Atoka,  
Indian Territory, any copies of the records in my case, that under  
the rule of law the Commission may give out to Attorneys, as I have  
employed him to assist me in this case.

WITNESSES:

H. Tippet  
Thompson Octor

John <sup>his</sup> ~~T~~ ~~Far~~ ~~mark~~

also applied for Louisa and her wife,  
and their three children, Noah, Julia,  
and Sallie.

Muskogee, Indian Territory, March 31, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the affidavit of the mother, Louisa Farve, and that of the midwife, Emily Baptiste, relative to the birth of Sallie Farve, September 2, 1901, and the same have been filed with the record in the case of John Farve, et al.

Also the affidavit of the mother, Louisa Farve, and that of the midwife, Emily Baptiste, relative to the birth of Julia Farve, August 7, 1902. Said affidavits have been filed with the record in the above case.

Respectfully,

Chairman.



M C R 1140  
2376 - 2421  
7298 - 1142

Muskogee, Indian Territory, April 11, 1903.

John Parve,

Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of joint letter of yourself, Seymour Parve, Joseph Baptiste, David Favre and Joseph Jackson, relative to their applications for identification as Mississippi Choctaws, in which you ask to be advised "at what time and place to appear for final enrollment."

In reply to your letter you are advised that it appears from the records of the Commission that Joseph Baptiste, his wife Police, and four minor children, Louise, Madlina, Sanny and Johnnie Baptiste, have been identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

You are further advised that the cases of John Parve, et al., Seymour Parve, et al., Joseph Jackson and David Favre have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Relative to the time and place at which duly identified

J F 2

Mississippi Choctaws may appear and make proof of bona fide settlement in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws, shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Such proof of settlement may be made at the land office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

In regard to that portion of your letter relative to J. E. Arnold having secured a power of attorney to select your allotments, your attention is directed to the following section of the rules and regulations governing the selection of allotments and designation of homesteads in the Choctaw and Chickasaw Nations, promulgated by this Commission March 24, 1903, which reads as follows:

5 7 8

"Applications to have land set apart and homesteads designated for duly identified Mississippi Choctaws must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children and if the father be dead the mother may apply. Husbands may apply for wives. Applications for orphans, insane persons and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereto by power of attorney, in the discretion of said Commission."

Respectfully,

Chairman.

Muskogee, Indian Territory, May 21, 1903.

W. W. Trass,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask if Johnnie Farve and his wife, Louisa, have been identified as Mississippi Choctaws.

In reply you are informed that it appears from our records that John Farve made application to this Commission for the identification of himself, his wife, Louisa, and their two minor children, Noah and Cecilia Farve, as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to their right to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

Respectfully,

Chairman.

M C R  
1140 1142  
2421 7898

Muskogee, Indian Territory, June 1, 1903.

Geo. E. Griner,  
Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask "Have you as yet passed upon or determined as to the citizenship of Jno. Farve, Seymour Farve, David Farve and Joseph Jackson?"

In reply you are informed that the Mississippi Choctaw cases of John Farve, et al., Seymour Farve, et al., David Farve and Joseph Jackson have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M.C.R.1140.

*Sept 25*  
Muskogee, Indian Territory, ~~August 27~~, 1903.

John Favre,

*Remailed. Ardmore, I. T. Oct. 1, 1903.*  
Dear Sir:

It appears from the records of the Commission that on December 18, 1900, you appeared before this Commission at Hattiesburg, Mississippi, and there made application for the identification of yourself, your wife, Louisa, and two minor children, Noah and Cecilia Favre, as Mississippi Choctaws.

From your testimony at that time it is impossible to determine whether or not your wife, Louisa, is a full blood Choctaw, and for the purpose of obtaining this information in proper form, there is enclosed you herewith blank affidavit in interrogatory form, which you are requested to take before some notary public and answer under oath the questions therein propounded, returning same to this Commission in the enclosed envelope, which requires no postage.

This matter should receive your prompt attention.

Respectfully,

Env  
-JYM-2-

Chairman.

W. B.

COMMISSIONERS  
JAMES BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,

WM O BRALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1140

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 17, 1904.

Louisa Favre,

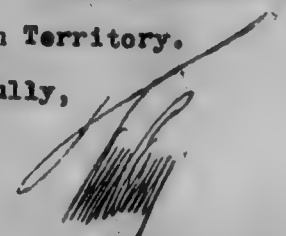
Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 17, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 17, 1904, and must make proof of such removal and settlement on or before May 17th, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Chairman.

Registered.  
Incl. MCR 1140.



MISSISSIPPI CHOCTAWS IDENTIFIED

May 17, 1904,

Copies of decisions mailed Mansfield, McMurray & Cornish, Attorneys  
for Choctaw and Chickasaw Nations

-----o-----

MCR No.:	TITLE OF CASE:
1140	John Favre et al.,
1935	George McCormack et al.,
1937	Nancy Nickey et al.,
1955	Dennis Frenchman et al.,
2003	Mosely Morris et al.,
2316	Clarice Jordan et al.,
2419	Sam Wilson,
2837	Ben Scott et al.,
2983	Alice Davis,
4021	Jim Shepard et al.,
4089	John Farmer et al.

-----o-----

Register to

Mansfield, McMurray & Cornish,

South McAlester, Ind.Ter  
(all in one package),

And return to MCR 1140.

Muskogee, Indian Territory, May 17, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 17, 1904, rendered its decision identifying Louisa Favre as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 17, 1904, and must make proof of such removal and settlement on or before May 17, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*James Bixby*

Chairman.

Registered.

Muskogee, Indian Territory, May 17, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 17, 1904, identifying Louisa Favre as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Louisa Favre as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file protest within the time allowed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

Registered.

Incl. MCR 1140.

(See MCR 1140 for registry receipt for this letter.)

1050.B.

COMMISSIONERS:  
TAMM DIXON,  
THOMAS S. NEEDLES,  
C. R. BRACKENRIDER.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GIVEN IN REPLY TO THE FOLLOWING:	
M.C.R.	1140.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1904.

John Favre,

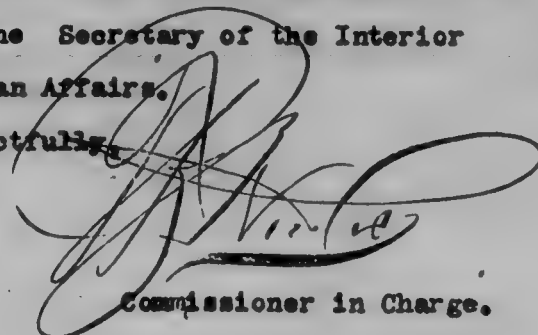
Ardmore, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Favre et al., including you, Noah Favre, Cecelia Favre, Sallie Favre and Julia Favre.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Commissioner in Charge.

Registered.

M.C.R. 1140

COPY

Muskogee, Indian Territory, July 29, 1904.

J. G. Ralls,  
Attorney at Law,  
Atoka, Indian Territory,  
Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of John Favre, Noah Favre, Cecelia Favre, Sallie Favre, Julia Favre, David Favre and Billy Favre, included in the consolidated case of John Favre et al., which embraces the following cases:

John Favre, et al.,	M.C.R. 1140
David Favre, et al.,	M.C.R. 1142.

You are further notified that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

H.C.R. 1140.

COPY.

Muskogee, Indian Territory, July 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Favre et al.,

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John Favre et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 29, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

John Favre et al.,	M.C.R. 1140
David Favre et al.,	M.C.R. 1142

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.  
2 Encl. M C R 1140.



Muskogee, Indian Territory, September 26, 1903.

John Farve,

Ardmore, Indian Territory.

Sir:

Receipt is hereby acknowledged of your letter of September 19, 1903.

It appears from the records of the Commission that on December 18, 1900, you appeared before this Commission at Hattiesburg, Mississippi, and there made application for the identification of yourself, your wife, Louisa, and two minor children, Noah and Cecilia Farve as Mississippi Choctaws.

From your testimony at that time it is impossible to determine whether or not your wife, Louisa, is a full blood Choctaw, and for the purpose of obtaining this information in proper form, there is enclosed you herewith blank affidavit in interrogatory form which you are requested to take before some Notary Public and answer under oath the questions therein propounded, returning the same to this Commission in the enclosed envelope which requires no postage.

This matter should receive your prompt attention.

Respectfully,

Enclosures:  
J.D. #3  
Env.

Chairman.

Land.

56068-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, November 24 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclosed herewith a report from the Commission to the Five Civilized Tribes, dated August 15, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by John Favre, for himself, his wife, Louisa Favre, and his four minor children, Noah, Cecelia, Sallie and Julia Favre; and by David Favre for himself, his wife, Frazine Favre and his minor child, Billy Favre.

March 4, 1904 Frazine Favre and on May 17, 1904 Louisa Favre, wives of the principal applicants were identified as full blood Choctaw Indians.

July 29, 1904 the Commission decided adversely to all the applicants.

The record shows that all the other applicants are mixed blood Choctaws and claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek, by reason of being descendants of Charley Favre, who is alleged to have been a Choctaw Indian, degree of blood not stated, and Elizabeth (or Zabelle) Favre, born Yearby, who is alleged to have been a full blood Choctaw Indian; that the minor children of John

Favre also claim by reason of being descendants of William Battiest, who is alleged to have been a Choctaw Indian, degree of blood not shown, and that the minor child of David Favre also claims said rights by reason of being a descendant of Joe Huston (or Hudson), and Mary Thomas, both alleged to have been full blood Choctaw Indians.

It appears from the record, and from the record of this office that none of said applicants have ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any tribunal of the United States.

It does not appear from the record of the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder, that Charley Favre, or Elizabeth (or Zabelle) Favre, born Yearby, or William Battiest, or Joe Hutson (or Hudson) or Mary Thomas, or ancestors less remote, signified in person or by proxy to any person an intention to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or presented claims under subsequent legislation.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

D.C. 45433-1904.

WASHINGTON.

FHE

I.T.D. 11204-1904.

November 19, 1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 15, 1904, you transmitted the record in the consolidated case involving the application for identification as Mississippi Choctaws of John Favre for himself, his wife Louisa Favre, and his four minor children, Noah Cecelia, Sallie and Julia Favre; and of David Favre for himself, his wife Frazine Favre, and his minor child, Billy Favre, including your decision of July 29, 1904, which was adverse to all the applicants except Frazine Favre and Louisa Favre, you having on March 4, 1904, duly identified said Frazine and Louisa Favre as full blood Choctaw Indians under the provisions of section 41 of the act of July 1, 1902 (32 Stat., 641).

Reporting in the matter November 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

Thos Ryan

Acting Secretary.

COPY.

Muskogee, Indian Territory, November 30, 1904.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Favre et al., a copy of which decision was mailed you on the 29th day of July 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY M.C.R. 1140

Muskogee, Indian Territory, November 30, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of John Favre, Noah Favre, Cecelia Favre, Sallie Favre, Julia Favre, David Favre and Billy Favre, included in the consolidated case of John Favre et al., of which decision you were advised by registered mail on the 29th day of July 1904.


Respectfully,

SIGNED

*T. E. Needles.*

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**



CHAIRMAN





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

*General Office*  
*M. C. R. 1140*

John Favre,

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~



COMMISSIONERS:  
TAMM HENRY,  
THOMAS E. HENNING,  
C. E. BRACKENRIDGE,  
WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

11100

REPORT IN REPLY TO THE FOLLOWING:
M.C.R. 1140

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

John Favre,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of yourself, and minor children, Noah, Cecilia, Sallie and Julia Favre, included in the consolidated case of John Favre et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

  
Commissioner in Charge.

No. 1140

For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name John F'aire.

Age 27 Blood full.

Post Office, Nesh, Mississippi

Father: Jule F'aire - dead.

Mother: Elizabeth F'aire - dead.

Claims through both parents

WIFE: Louisa F'aire - 22.

FATHER: William Battist - dead

MOTHER: --- Battist - dead.

Children:

M Noah F'aire 6.

F Cecilia " " 3 yrs.

Stenographer:

Myra Young.

Choc mcr 114/ Jesse Yearby

mcr 114/

MISS.-CHOCTAW  
ENROLLMENT

R-1141

Jesse Yearby

IDENTIFIED

Decision rendered Feb 14, 1903.

Copy of decision forwarded attorneys for Choctaw  
and Chickasaw Nations. Feb. 21, 1903.

R 1141

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application of Jesse Yearby  
for identification as a Mississippi Choc-  
taw. M. C. R. 1141.

-----:-----

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jesse Yearby  
for identification as a Mississippi Choctaw,  
M.C.R. 1141.

-----  
----- I N D E X -----  
-----

Original application of Jesse Yearby to the Dawes Commission  
for identification as a Mississippi Choctaw-----1

Decision of the Commission identifying Jesse Yearby  
as a Mississippi Choctaw----- 3



R 1141

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application of Jesse Yearby for identification as a Mississippi Choctaw. Jesse Yearby being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Jesse Yearby.
- Q How old are you? A Twenty.
- Q What is your post-office address? A Dill.
- Q Do you live in Mississippi? A Yes sir.
- Q How long have you lived here? A All of my life time.
- Q Born here? A Yes sir.
- Q Are you a full blood Choctaw? A Yes sir.
- Q What is your father's name? A Ellis Yearby.
- Q Is he living? A No sir.
- Q What is your mother's name? A Margaret.
- Q Is she living? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw authorities in the Indian Territory? A No sir.
- Q Did you or did any one for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw nation under the act of June 10th, 1896, four years ago, did you make any application? A No sir.
- Q Ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts for the Indian Territory? A No sir.
- Q Have you ever made any application before this time? A No sir.
- Q Any body ever make an application for you? A No sir.
- Q This is the first application you have ever made for citizenship or enrollment? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Are you making your claim as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.
- Q What was the name of your ancestor - do you know what the word 'ancestor' means? A No sir.
- Q Well, the names of your people, either your father, your grand-father, your great grand father, what was the name of the one who lived here in Mississippi in 1830? A I don't know.
- Q What was your grand father's name? A Takaliabbee.
- Q Your father's father? A Yes sir.
- Q What was your father's mother name? A I don't know.
- Q What was your mother's father's name? A Talioktobbee.
- Q Do you know your mother's mother's name? A No sir.
- Q Do you know anything about your mother or your father's people? Did they ever go to the Indian Territory? A I don't know.
- Q Do you know whether any of them ever signified to the United States Indian Agent of the Choctaw Indians in Mississippi after the treaty of 1830 was entered into, their determination to remain in Mississippi and become citizens of the United States? Do you understand that? A No sir.

Jesse Yearby 2

Q Did they remain in Mississippi after the treaty was made seventy years ago? A I don't know.

Q Your father and mother both lived in Mississippi as long as you can remember? A Yes sir.

Q Do you know anything about the rest of your family? A No sir.

Q Do you know whether any of them removed to the Indian Territory? A No sir.

Q Are you married? A No sir.

Q Never have been married? A No sir.

Q Is there any additional statement that you want to make in support of this application? A I don't know any more.

Q Is you are identified by this Commission as a Choctaw Indian is it your intention to remove to the Indian Territory? A Yes sir.

This applicant has all the appearances of a full blood Choctaw Indian.

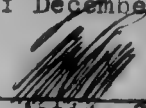
The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post-office address.

~~XXXXXXXXXX~~

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young.

Subscribed and sworn to before me this 19th day of December, 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Jesse Yearby  
for identification as a Mississippi Choctaw

M.C.R. 1141

-----D E C I S I O N -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on December 18, 1900, by Jesse Yearby for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of this application it appears that this applicant is a full blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902

(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jesse Yearby should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory.

— FEB 14 1903 —

COPY.

M.C.N. 1141

Muskogee, Indian Territory, February 22, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jesse Yearby as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jesse Yearby as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tarns Bixby*

Acting Chairman.

Registered.

Enc. MT. 26

M.C.R. 1141

Muskogee, Indian Territory, March 11, 1903.

Jesse Yearby,

Dill, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*James D. Dineen*

(SIGNED)

Chairman.

Registered.

Enc. 1141

Ardmore, I. T. February 17, 1903.

To the Commissio to the Five Civilized Tribes,

Muskogee, Indian Territory.

You will please deliver to J. G. Ralls, of Atoka, Indian Territory, any copies of the records in my case that, under the rule of law, the Commission ay give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES: TO MARK:

J. M. Ash

his  
Jesse X. Forby  
month



COPY.

M.C.R. 1141

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jesse Yearby as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jesse Yearby as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

*Jams Bixby.*

Registered.

Acting Chairman.

Enc. MT. 28

COPY.

M.C.R. 1141

Muskogee, Indian Territory, March 11, 1903.

Jesse Yearby, *Remailed to Ardmore D.T.*  
Dill, Mississippi.

Dear Sir:

*5/8/03*

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*John D. May*

(SIGNED)

Chairman.

Registered.

Enc. 1141

M C R 1141

Muskogee, Indian Territory, April 22, 1903.

J. D. Brock, P. M.,  
Dillon, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, by reference from the Post Master at this place. Therein you ask what disposition to make of a registered letter addressed to Jessie Yearby at your office. You state that the addressee does not live in that section of the country.

In reply you are informed that you may return said letter to this Commission.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date - DEC 18 1900

Name - Jesse Yearby.

Age 20. Blood full.

Post Office, N. W. Mississippi.

Father: Ellis Yearby - dead.

Mother: Margaret Yearby - dead

Claims through both parents.

Children:

Stenographer:  
Myra Young.

Choc MCR 1142 David Faure

MCR 1142

David Fare et al.

REFUSED

DECISION RENDERED MAR - 4 1904

IDENTIFIED MAR - 4 1904

COPY OF DECISION FORWARDED APPLICANT MAR - 4 1904

NOTICE OF DECISION FORWARDED ATTORNEYS FOR CHOCOTAY AND CHICKASAW NATIONS. MAR - 4 1904

REFUSED 1140

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION MAILED APPLICANT: JUL 29 1904

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCOTAY AND CHICKASAW NATIONS.

COPY OF DECISION FORWARDED JUL 29 1904

ATTORNEY FOR APPLICANT JUL 29 1904

DECISION FORWARDED DEPARTMENT. AUG 15 1904

Dec 12/3

Nov 19/3

DECISION APPROVED BY SECRETARY OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUL 19 1904

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCOTAY AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY.

P. O. Ardmore & T.

REFER TO M. C. R.

Decision Prepared.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Herein is the record in the matter of the application of  
David Favre, et al., for identification as Mississippi Choctaws,  
M.C.R.1142.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of David Favre, et al., for  
identification as Mississippi Choctaws, M.C.R.1142.

I N D E X .

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Affidavit of David Favre,.....	6
Decision of the Commission identifying Frazine Favre as a Mississippi Choctaw,.....	7

B-1142

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 18, 1900.

In the matter of the application for identification as Mississippi Choctaws of David Favre, his wife and one child. David Favre being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A David Favre.
- Q How old are you? A Going on twenty two.
- Q What is your post-office address? A Dill, Post Office Mississippi.
- Q How long have you lived in Mississippi? A I was born here
- Q Lived here all your life? A Yes sir.
- Q Never have lived any where else? A No sir.
- Q Are you a full blood Choctaw? A Yes sir.
- Q What is your father's name? A Jules Favre.
- Q Is he living? A Dead.
- Q You are an orphan are you? A Yes sir.
- Q What is your mother's name? A Elizabeth Favre.
- Q Is she dead? A Yes sir.
- Q What is your wife's name? A Frazine.
- Q Is she a full blood Choctaw? A Yes sir.
- Q How old is your wife? A About twenty.
- Q What is her father's name? A Joe Hutson.
- Q Is your wife's father living? A No sir.
- Q What is your wife's mother's name? A Louisa Hutson.
- Q Is she dead? A Yes sir.
- Q Is your name or your wife's name on any of the tribal rolls of the Choctaw Indians in the Indian Territory? A No sir.
- Q Did you or your wife ever make application to the Choctaw tribal authorities in the Choctaw Nation in the Indian Territory for citizenship? A No sir.
- Q Did you or your wife or any one for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896, four years ago? A No sir.
- Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A No sir.
- Q This is the first application either of you have ever made is it? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q What was the name of your grand father? A Charley Favre.
- Q What was your great grand father's name? A I don't know.
- Q Did your ancestors remove from Mississippi to the Choctaw Nation in the Indian Territory at the time the other Choctaw Indians moved out there? A No sir.
- Q They remained here in Mississippi? A Yes sir.
- Q Do you know whether any of your people ever removed to the Indian Territory? A No sir.
- Q Any of your wife's people? A No sir.
- Q Did your people or your wife's people signify to the United States Indian Agent in 1830 their intention to remain and become citizens of the United States? A Yes sir.
- Q Did they ever receive any land as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Did you or your wife ever receive any benefits from the Choctaw tribe of Indians in the Indian Territory? A No sir.

David Favre 2

Q Ever get any money from them? A No sir.  
Q Never been recognized by them as citizens? A No sir.  
Q How many children have you? A One.  
Q What is its name? A Billy.  
Q How old is Billy? A About a year old.  
Q This is a child by your wife Frazine Favre? A Yes sir.  
Q Is there any additional statement that you want to make?  
A None.  
Q If the Commission is able to identify you and your wife and child as Mississippi Choctaws entitled to rights in the Choctaw lands in the Indian Territory, is it your intention to remove to the Indian Territory? A Yes sir.


This applicant is to all appearances a full blood Choctaw Indian and is able to speak and understand but little English.

The decision of the Commission as to your application and the application you make on behalf of your wife and child for identification as Mississippi Choctaws, will be mailed to you in writing to your present post-office address.

Myra Young, Having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young.*

Subscribed and sworn to before me this 19th day of December, 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Bay St. Louis, Mississippi, March 17, 1903.

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In the matter of the application for the identification of David Favre, et al., as Mississippi Choctaws.

Joseph J. Favre, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Joseph J. Favre.  
Q What is your age? A Forty-six.  
Q What is your postoffice address? A Bay St. Louis.  
Q Are you a Choctaw Indian? A Yes sir, by blood; I am one-fourth.  
Q Have you ever made application for identification as a Mississippi Choctaw to the Commission to the Five Civilized Tribes at any time?  
A No sir.  
Q Is it your intention to ever do so? A I don't know as I will.  
Q You don't care to do so at this time? A No sir.  
Q Are you acquainted with a Choctaw Indian by the name of David Favre whose postoffice address is Dill Postoffice, Mississippi?  
A Yes sir.  
Q Is he related to you? A Yes sir.  
Q What relationship does he bear to you? A My half nephew.  
Q His father was what relation to you? A My half brother, Jules Favre.  
Q What was this David Favre's mother's name? A They called her Zabelle.  
Q Did she ever go by the name of Elizabeth? A Not that I know of.  
Q What is David Favre's wife's name? A Frazine.  
Q What was the name of the father of Frazine Favre? A His name was Joe Hutson.  
Q What was her mother's name? A Her name is Louise, I think. Her father I think is a Thomas--I am not certain about that.  
Q You think her name is Louise? A Yes sir, I know that--her grand mother's name is Mary.  
Q Do you know David Favre's grandfather's name on his father's side? A Charley Favre.  
Q Has David Favre any children that you know of? A Yes sir, he has I think two or three children--I dis-remember.  
Q Did he have one named Billy? A Yes sir, the last one, the little one.  
Q Has he any children living now that you know of? A I cant say--its out there.  
Q How much Choctaw blood to your knowledge is David Favre possessed of? A About three-quarters I believe.  
Q How much Choctaw blood did his father have? A Well, he was; his father was mine and of course the old man was supposed to be a half blood but his mother was an Indian.  
Q Was a full blood Choctaw Indian? A Yes sir.  
Q His father was a half blood and his mother was a full blood?  
A Yes sir.  
Q And his father was your father? A Yes sir.

David Favre, et al.-2

Q Now, where is David Favre at this time? A At Ardmore, Indian Territory.

Q When did he leave Mississippi for there? A Somewhere around Christmas time.

Q Either the end of last year or the first of this year? A Yes sir.

Q Do you know of your own personal knowledge who it was that induced David Favre to remove from Mississippi to Indian Territory?

A Well, no; I see this fellow Arnold; he sent men after them. He had George Windom who's in the Territory now. He had married one of the Choctaw girls out here.

Q George Windom was an Agent of Arnold's? A Yes sir.

Q Induced these Indians to remove? A Yes sir and Jim Burns was another Agent.

Q It was one of these two men? A And John Harris, he was an Agent of Arnold's.

Q And it was one of these three Agents of Arnold or Arnold himself that induced David Favre to go to the Territory? A Yes sir.

Q Did he take with him his wife and child to the Territory? A Yes sir, they say he is.

Q His wife and child aren't here in the community now? A No sir.

Q What knowledge have you as to his intention of remaining in the Indian Territory? A He's trying to get back. He's like the balance of them that went there; they can't stand it--its so different from this place.

Q Has he any relative here in Mississippi now aside from yourself?

A His aunt is here, from his mother's side--Louisa who's the mother of this John Thomas.

Q Has David Favre ever notified them that he desired any assistance in the way of money for paying his fare back to Mississippi? A He's got somebody to send to the Choctaw government for him to see if they can't appropriate money for him to get back home; that's what his brotherinlaw told me--his name is Joe Stout.

Q Do you live in the community of Choctaw Indians who reside in the vicinity of Bay St. Louis? A Yes sir, out here five miles.

Q Do you know of your own personal knowledge whether those Choctaw Indians that reside in your community intend to appear before the Commission at this place and make application? A I don't think they will bother with it from the news those two families fetch back.

Q Have you heard any statements made by them which would verify the statement that you have just made in regard to their intention of coming here? A Well, when I heard them speaking--my brotherinlaw told me he wouldn't stay if they would give him the whole Territory for he didn't think he could live there for cold and things like that. He said they all had the same complaint, they all wanted to go that went from here. There was a fellow by the name of Seymour Favre that came from Louisiana, a half brother of mine, he says he will try to stay there.

Q Do you know whether the Choctaw Indians residing in your neighborhood are aware of the fact that the Commission, the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, has an office established here in Bay St. Louis, yesterday, today and tomorrow? A I don't know; I told my brotherinlaw that you would be here this week--he's sick home now.

Q Are you acquainted with the Choctaw Indians living within a radius of one hundred miles of this place in the inland? A Yes sir, about so--I know nearly all there is in Louisiana, or nearly all that live in Hancock County.

David Favre, et al.-3

Q And in the adjoining county, in the county east of this?

A In Harrison County, there's one half breed Indian living near Long Beach, Mrs. Fonia; that's the only one I know living that way.

Q Are you acquainted with the Choctaw Indians living in the southern portion of Pearl River County? A No sir, I aint acquainted there.

Q Of the Choctaw Indians that you know in Hancock County and Harrison County do you know whether most of them have made application to the Commission at its various appointments through Mississippi?

A Well, I cant say in Harrison County whether there's any left or not but there were a good many went before the Commission at Hattiesburg. Pretty well all I know about went there from this county, and Louisiana. There's two old ladies in Louisiana yet but I don't think they want to interfere with it.

Q About how many Choctaw Indians would you judge from your own personal knowledge, that live in this county and along the Louisiana border, that haven't applied --about how many? A There's only one here that I know of, in Hancock County and one old paralyzed fellow that cant walk--of course he don't know what's going on, old Jim Thomas--that's the only ones that hasn't went.

Q The rest of them then have all made application at some place, either at Hattiesburg or some other place in Mississippi? A Yes sir, at Meridian and Hattiesburg. Theres only half and quarter bloods here at the Bay and I don't think they want to fool with it.

Q You say that you have a son that has gone to Indian Territory?

A Yes sir, him and his wife and his brother in laws, they were Yearbys

Q Is it their intention to remain in Indian Territory? A No sir, they're crazy to come home; my son wrote me to send him one hundred dollars to come back here.

Q For what purpose? A For coming home--his baby is sick and they say he cant get nothing out there anyway.

Q He has never made any application? A No sir, I don't think he has. He cant stay there.

Q What is his name? A Charles F. Favre.

Q Where is he located now? A Ardmore, Indian Territory.

Q He was removed also by Arnold or his Agent? A Yes sir, Arnold was the head man.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Bay St. Louis, Mississippi, March 17, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 28 day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

ENC B I 28-16.

RECEIVED

24 1903



UNITED STATES OF AMERICA, )

INDIAN TERRITORY, )

S O U T H E R N DISTRICT. )

ss:

On this 21 day of April, 1903, personally appeared before me, a duly appointed and acting notary public, David Favre, who being first duly sworn upon his oath testifies as follows:

Q State your name, age and postoffice address?

A David Favre, twenty-five years old, post office Ardmore, I.T.

Q Are you the identical David Favre who appeared before this Commission at Hattiesburg, Mississippi, December 18, 1900, and made application for the identification of yourself, your wife Frazine and your minor child as Mississippi Choctaws?

A I am.

Q What is your father's name?

A Jule Favre.

Q Is he living or dead? Ans. Dead.

Q Was he a full blood Choctaw Indian? Ans. No, was half or three quarters.

Q What was your mother's name? Ans. Sabelle Yearby.

Q Is she living or dead? Ans. Dead.

Q Was she a full blood Choctaw Indian? Ans. Yes.

Q What is the name of your wife's father? Ans. Joe Hudson.

Q Is he living or dead? Ans. Dead.

Q Was he a full blood Choctaw? Ans. Yes.

Q What is the name of your wife's mother? Ans. Louise Yearby

Q Is she living or dead? Ans. Dead.

Q Was she a full blood Choctaw? Ans. Yes.

WITNESSES TO MARK:

*Billie Favre*  
*Ed. Ford*

*David x Favre*  
mark

Subscribed and sworn to before me this 21 day of April, 1903, at Ardmore, Indian Territory.

*Lena Pippit*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

249  
In the matter of the application of David Favre, et al.,  
for identification as Mississippi Choctaws, M.C.R. 1142.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 18, 1900, by David Favre for himself, his wife, Frazine Favre, and his minor child, Billy Favre, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that Frazine Favre is a full-blood Mississippi Choctaw Indian. All the other applicants herein are mixed-blood Choctaws, and whatever rights as Mississippi Choctaws they may possess will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stat., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said ~~fourteenth article of the said treaty of eighteen hundred and thirty~~ who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Frazine Favre should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAR 4 1904

Commissioner.

COPY.

M.C.R. 1142

Muskogee, Indian Territory, March 4, 1904.

Frasine Favre,  
P. O. Box 214,  
Ardmore, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 4, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 4, 1904, and must make proof of such removal and settlement on or before March 4, 1905, at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

RECEIVED

*J. C. Hurdle*

Commissioner in Charge.

Registered.

Enc. 1142.

M.C.R. 1142

Muskogee, Indian Territory, March 4, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 4, 1904, identifying Frazine Favre as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Frazine Favre as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. E. Needles.*

Commissioner in Charge.

Registered.

Enc. 1142.

Ardmore, I. T. February 17, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

You will please deliver to J. G. Halls, of Atoka Indian Territory, any copies of the record in my case that under the rule of law the Commission may give out to Attorneys, as ~~the~~ I have employed him to assist me in this case.

WITNESSES TO MARK

Wm. Ash

<sup>his</sup>  
Dave Forks  
mark

also applied for his wife and  
two children wife, Frazie; children  
Billy and Albert.

M.C.R. 1142.

Muskogee, Indian Territory, April 11, 1902.

David Favre,

Ardmore, Indian Territory.

Dear Sir:

It appears from our records that on December 18, 1900, you appeared before this Commission at Hattiesburg, Mississippi, and made application for the identification of yourself, your wife Frazine, and minor child as Mississippi Choctaw Indians.

From your testimony given at that time, it is impossible for the Commission to determine whether or not yourself and wife are full blood Choctaws. For the purpose of obtaining this information in proper form, there is enclosed you herewith a blank affidavit in interrogatory form. You are requested to appear before a notary public and answer under oath the questions therein propounded, returning the affidavit to this Commission when properly executed in the enclosed self-addressed envelope.

This matter should receive your immediate attention, as no further steps can be taken in the matter of your application



D F 2

for the identification of yourself and family as Mississippi  
Choctaws, until this affidavit is returned.

Respectfully,

Env.

Chairman.

Enc 3 1 85-16.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1142

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying David Favre, his wife Frazine Favre and his minor child, Billy Favre as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said David Favre, his wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered  
Enclosure G.H. 67

Acting Chairman

As

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, INDIAN TERR.

MAUS  
4 P OFFICIAL BUSINESS.

1903  
Penalty for private use, \$300.

No such Post Office in  
State named in U. S. P. O.  
11

Mr. David Favre  
Dill  
Miss

NO. 7  
SUCH OFFICE  
IN STATE  
NAMED.

RETURNED  
TO WRITER  
FOR BETTER  
DIRECTION

1142



address OK

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 4 1903

A handwritten signature, possibly "J. H. Smith", is written over the "FILED" and date stamps.

CHAIRMAN

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 1142.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1903.

David Favre,

Dill, Mississippi.

Dear Sir-

It appears from the records of the Commission that on December 18, 1900, you appeared before the Commission at Hattiesburg, Mississippi, and there made application for the identification of yourself, your wife, Frasine Favre, and your minor child, Billy Favre, as Mississippi Choctaws. You stated in your examination that you were a full-blood Choctaw, but your testimony relative to your parents does not disclose the amount of Choctaw blood possessed by them.

In order that the Commission may be enabled to prepare a decision in your case, it is necessary that there be supplied some positive evidence as to the amount of Choctaw blood possessed by your parents, and this testimony may be given before the Commission at one of its appointments in Mississippi during the present month. There is herewith enclosed a notice giving the dates and places when and where the Commission will hold its sessions in Mississippi.

Respectfully,

Enc. HCR-1.

Chairman.

## Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

# Identification of Mississippi Choctaws.

For the purpose of receiving the applications of full blood Choctaw Indians who have not heretofore appeared before the Commission to the Five Civilized Tribes, the following appointments in the state of Mississippi have been made during the month of March, 1903:

Bay St. Louis, March 16th to 18th, inclusive.

State Line, March 19th.

Under the provisions of the act of Congress approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations on September 25, 1902,

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

no application can be received by the Commission after March 25, 1903.

All adult applicants must appear in person, but the head of a family may apply for his minor unmarried children; persons who have attained their majority or who have married must make their applications in person.

No further appearance is required of applicants who have heretofore submitted their applications to the Commission either at the several appointments in the state of Mississippi or in the Indian Territory.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Tams Bixby, Chairman.

Muskogee, Indian Territory,  
February 24th, 1903.

M C R 1140  
2276 - 2421  
7298 - 1142

Muskogee, Indian Territory, April 11, 1903.

John Farve,

Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of joint letter of yourself, Seymour Farve, Joseph Baptiste, David Favre and Joseph Jackson, relative to their applications for identification as Mississippi Choctaws, in which you ask to be advised "at what time and place to appear for final enrollment."

In reply to your letter you are advised that it appears from the records of the Commission that Joseph Baptiste, his wife Felice, and four minor children, Louise, Madeline, Sammy and Johnnie Baptiste, have been identified by this Commission as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

You are further advised that the cases of John Farve, et al., Seymour Farve, et al., Joseph Jackson and David Favre have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Relative to the time and place at which duly identified



Mississippi Choctaws may appear and make proof of bona fide settlement in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws, shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Such proof of settlement may be made at the land office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

In regard to that portion of your letter relative to J. H. Arnold having secured a power of attorney to select your allotments, your attention is directed to the following section of the rules and regulations governing the selection of allotments and designation of homesteads in the Choctaw and Chickasaw Nations, promulgated by this Commission March 24, 1903, which reads as follows:

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"Applications to have land set apart and homesteads designated for duly identified Mississippi Choctaws must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children and if the father be dead the mother may apply. Husbands may apply for wives. Applications for orphans, insane persons and persons of unsound mind may be made by duly appointed guardian or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission."

Respectfully,

Chairman.

Muskogee, Indian Territory, April 27, 1903.

David Favre.

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 21, 1903, enclosing affidavit in interrogatory form offered in support of the application for the identification of yourself, wife, and minor child as Mississippi Choctaws.

You ask to be advised if this is sufficient to identify you as a Mississippi Choctaw Indian, and state: "Emma Pare, a very old lady who is now sick, knows all my forebears, and if you want her statement please furnish me with a form of affidavit you desire."

In reply, you are informed that the Commission cannot offer any opinion as to the sufficiency of evidence offered in support of your application for identification as a Mississippi Choctaw.

If you desire to introduce Emma Pare as a witness in support of your application, her testimony will be taken at the office of the Commission at Muskogee, Indian Territory, any time

D F 2

prior to May 27, 1903; or, if she is unable to appear before the Commission at Muskogee, her deposition may be taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is enclosed herewith.

Respectfully,

Chairman.

Enc R & R Dep.

M C R  
1140 1142  
2421 7298

Muskogee, Indian Territory, June 1, 1903.

Geo. H. Griner,  
Overbrook, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you ask "Have you as yet passed upon or determined as to the citizenship of Jno. Farve, Seymore Farve, David Farve and Joseph Jackson?"

In reply you are informed that the Mississippi Choctaw cases of John Farve, et al., Seymour Farve, et al., David Farve and Joseph Jackson have not been finally passed upon by this Commission and until their cases are finally determined it is not believed that they are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 1142

Muskogee, Indian Territory, September 23, 1903.

Dave Farve,  
Post Office Box #214,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask when you and your wife will be identified as Mississippi Choctaws.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself, your wife, Frazine Farve, and minor child, Billy Farve, as Mississippi Choctaws.

The Commission cannot advise you as to the exact date when your rights to such identification will be decided. However, as soon as a decision is rendered you will be duly notified thereof.

Respectfully,

Chairman.

FULL-BLOOD MISSISSIPPI CHOCTAWS

IDENTIFIED

March 4, 1904,

And copies of decisions forwarded by registered mail to Mansfield,  
McMurray & Cornish, So. McAlester, I.T., in one package:  
-----o-----

1142 /  
MCR,

1142 Frazine Favre,

1610 Frank Stribling,

2064 Billy Willis,

2069 Jackson Tonubbee,

2198 Henry Taylor,

2659 Jim Jack Johnson,

2662 Marie Faure,

4392 Wilson Farmer,

4990 John Dixon, et al.,  
(Marie Dixon and Ennie Dixon),

5100 Jess Dixon,

7335 Rollis Hawkins.

-----o-----

Register to Mansfield, McMurray & Cornish,

So. McAlester, Indian Territory,

And return to M.C.R. 1142.



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



REGISTERED  
AUG 2 1904  
MUSKOGEE, IND. TER.

David Favre,

~~Box 1114, Muskogee, Ind. Ter.~~

SEP 18 1904

#

421

419

10461

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

SEP 26 1904

CHURMAN



W.C.S.

COMMISSIONERS:  
TAMM HENRY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.  
—  
WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOTE IN REPLY TO THE FOLLOWING	
M.C.R.	1142

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 29, 1904.

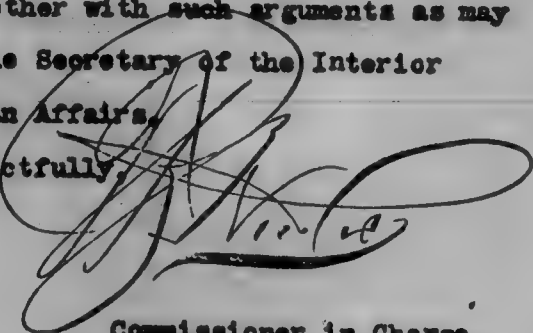
David Favre,  
P. O. Box 214,  
Ardmore, Indian Territory,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Favre et al., including you and your minor child, Billy Favre.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Commissioner in Charge.

Registered.

W.C.B.

COMMISSIONERS:  
TAMM BERRY,  
THOMAS B. NEEDLES,  
C. E. BRACKENRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 1142

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 30, 1904.

David Favre,

Post Office Box #214,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of November 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for the identification as Mississippi Choctaws of yourself, and minor son, Billy Favre, included in the consolidated case of John Favre et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

  
Commissioner in Charge.

No. 1142

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date *march 17-1903*  
Name *David Favor et al*  
Age *3/4* Blood  
Post Office, *Anderson N.Y.*  
Father: *Jules Favor*  
Mother: *Gabriel Favor*  
Claims through *both parents*

Children:

*Additional testimony*

Stenographer

*[Signature]*

No. 1142

For Identification as a Mississippi Choctaw.

Date

Name David Navre , et al.

Age

Blood

Post Office, Dill, Mississippi.

Father:

Mother:

Claims through

Children:

Entire record in this case  
in the hands of Mississippi  
Field Party for the taking of  
additional testimony.

March 16th 1903.

Stenographer

No. 1142

For Identification as a Mississippi Choctaw.

Date DEC 18 1900

Name David Favre.

Age 22. Blood full.

Post Office, Will, Mississippi

Father: Jules Favre - dead.

Mother: Elizabeth Favre - dead

Claims through both parents.

WIFE: Maggie Favre. 20

FATHER: Joe Hutson - dead

MOTHER: Louisa Hutson - dead.

Children:

Billy Favre 1 year.

Stenographer:

Myra Young.

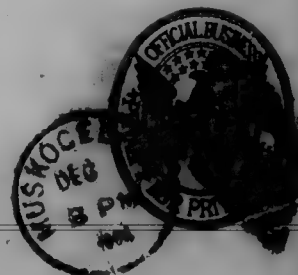


Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*General Office*  
*M. C. R. 1145*

David Favre,

~~Post Office Box # 214,~~  
~~[REDACTED ADDRESS]~~



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

*[Handwritten signature]*

CHAIRMAN.



choc mcr 1143 Owen Head

see mcr 726

mcr 1143

A. MISSISSIPPI CHOCTAW.

*Owen Head Et. al.*

REFUSED

DECISION RENDERED  
RECORD FORWARDED DEPARTMENT.

JUL 29

JUL 29 1902

NOTICE OF DECISION MAILED APPLICANT.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 1 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT 11 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 11 1902

REFER TO M. C. R 726

REFUSED

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 19th, 1900.

In the matter of the application of Owen Head for the identification of himself and his seven Minor Children as Mississippi Choctaws.

The said Owen Head, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Owen Head.

Q What is your age? A Forty.

Q What is your post office address? A Eupora, Mississippi.

Q Do you live at or near Eupora? A Yes, sir; live two miles.

Q How long have you lived in Mississippi? A I was born in Mississippi.

Q Been living here all your life? A Yes, sir.

Q What is your father's name? A John Head.

Q Is he living? A No, sir; he is dead.

Q Was he a Choctaw Indian? A Yes, sir.

Q How much Choctaw Indian was he? A One-eighth.

Q What is your mother's name? A Mary Head.

Q Is she living? A Yes, sir.

Q Is she a Choctaw Indian? A No, sir.

Q She is a white woman, is she? A Yes, sir.

Q You get your Indian blood, then, through your father? A Yes, sir.

Q How old was your father when he died? A Let's see, he was born in 1832, and he has been dead two years, that would make him sixty-five.

Q Did he get his Indian blood through his father.

A No, sir; his mother.

Q What was his mother's name? A Susan Head. It was Bass before she married Head.

Q Her name was Head in 1830, wasn't it? A Yes, I guess so.

Q How much Choctaw Indian was she, Susan Head? A She was a half or a quarter, I don't know which.

Q How much Choctaw Indian blood do you claim to have in your veins? A One-sixteenth.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No, sir.

Q Did you or did any one in your behalf in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation?--A No, sir; not that I know of.

Q --For citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10, 1896? A No, sir; not that I know of.

Q Have you ever been admitted to citizenship in the Choctaw Nation, in the Indian Territory, by judgment of the United States Courts in the Indian Territory on appeal from the decisions of either the Choctaw tribal authorities or of the Dawes Commission? A No, sir.

Q Have you ever prior to this time made any application to either the Choctaw tribal authorities in the Indian Territory, or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A No, sir.

Owen Head et al---2.

Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Do you claim under the 14th article of the treaty of 1830? A Yes, sir.

Q What was the name of your ancestor who lived in Mississippi in 1830? A Isaac Head.

Q Was he living in 1830? A Yes, sir; he was living in 1830. He was my grandfather; he was my father's father.

Q Was he a recognized member of the Choctaw Tribe of Indians at that time? A I don't know whether he was or not.

Q Did he remain in Mississippi after the conclusion of the treaty of 1830? A Yes, sir; he remained here until he died.

Q He didn't remove, then to the Indian Territory, with the other members of the tribe? A No, sir.

Q Did Isaac Head signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention to remain and become a citizen of the United States? A I don't know whether he did or not.

Q Did Susan Head signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States? A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi? A No, sir.

Q Are you married? A Yes, sir.

Q Are you making any claim in behalf of your wife? A No, sir.

Q Have you any children? A Yes, sir.

Q Under twenty-one and unmarried? A Yes, sir.

Q What is your wife's name? A Maggie.

Q Is she living? A Yes, sir.

Q Please give the names and ages of your children. A Lee Head, eighteen years old; May Head, sixteen years old; Bertha Head, fourteen years old; Pearl Head, eleven years old; Ruth Head, seven years old; Herbert Head, four years old and Ralph Head, one year old.

Q Do these children live with you at your home? A Yes, sir.

Q Is there any additional statement which you desire to make at this time in support of this application? A No, sir.

Q Have you any documentary evidence which you desire to offer at this time in support of this application? A

MR. L. P. HUDSON: (Counsel for applicant) Here attorney for applicant asks leave to file written evidence consisting of affidavits and certified copies of affidavits now on file with this Commission at its office in Muskogee, within thirty days from this date.

MR. BIXBY: (Acting Chairman of Commission) Upon a careful consideration of the testimony offered in support of this application, the Commission will render its decision, and a copy of the same will be furnished you, mailed to your present post office address.

-----o-----  
The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application for identification, had at the time and place above mentioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of December A. D. 1900.

*M. S. [Signature]*  
Acting Chairman.

COPY.

N.C.R. 1145.

Muskogee, Indian Territory, July 29, 1902.

Owen Head,

Emporia, Mississippi.

Dear Sir:

You are hereby advised that on the 29th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James F. Head, et al., embracing the following applications for identification as Mississippi Choctaws:

James F. Head, et al.,	M C H	728
Laura Pickens, et al.,	"	730
Lydia Head, et al.,	"	731
William A. Head, et al.,	"	732
Alzada Nash, et al.,	"	738
Cassie Elizabeth Cammie Lancaster, et al.,	"	900
James H. Head,	"	904
Leonard Mason Head,	"	906
Annie Lee Stith, et al.,	"	908
William Y. Head,	"	909
Dunreath Wilkinson, et al.,	"	1137
Owen Head, et al.,	"	1143
James Head,	"	1415
Sidney A. Head, et al.,	"	1430
Sidney I. Watson,	"	1526
James Atkins, et al.,	"	1527
Guy E. Watson,	"	1544
Georgia Yaden, et al.,	"	1747
Fannie McCaulley,	"	1748
Catherine McKee,	"	1749
Effie Keltner, et al.,	"	1780
Hugh W. Watson, et al.,	"	1887
Thelbert Otto Head, et al.,	"	3487
L. Eunice Hagblom, et al.,	"	3488
Ella Gatlin, et al.,	"	3787
Dora Harvey,	"	4064
Julia Castle, et al.,	"	1904
Willie J. Wilson, et al.,	"	2945
Willie J. Atkins, et al.,	"	2946
John R. Atkins, et al.,	"	2947



-2-

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James F. Head, Walter Isaac Head, Laura Pickens, William Pickens, Dovie E. Pickens, Herbert Houston Pickens, Jesse Leroy Head, Henry Floyd Head, William A. Head, Olive M. Head, Wm. P. Head, Isaac L. Head, Raxy M. Head, Myrtle E. Head, Alzada Hash, Willie Irene Hash, James Arthur Hash, Cassie Elizabeth Gamble Lancaster, Hubert W. Lancaster, James D. Lancaster, Eula Bess Lancaster, Noley May Lancaster, Robert L. Stuckey, Mary Stuckey, William G. Stuckey, James H. Head, Leonard Mason Head, Annie Lee Stith, Stella Maud Stith, William Y. Head, Dunreath Wilkinson, Marcus Gillespie Wilkinson, Asaloe Dunreath Wilkinson, Thomas Moody Wilkinson, Mattie Andry Wilkinson, Owen Head, Lee Head, May Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Sidney A. Head, Willavory Head, Bessie Lou Head, Hilliarh Head, Leonard G. Head, Sidney Head, Sidney I. Watson, James Atkins, Essie O. Atkins, Guy E. Watson, Georgia Vaden, Leon Vaden, Fannie McCauley, Catherine McKee, Effie Keltner, Valton Keltner, Norman Keltner, Hugh N. Watson, Houston Pete Watson, Thelbert Otho Head, Carl Head, Fannie Head, Birdie Head, Ruby Head, L. Eunice Regillie, Lillie Mary Regillie, Clovis Henry Regillie, Luther Regillie, Anna Belle Regillie, Ella Gatlin, Lees Adelia Gatlin, Verdie Inessil Gatlin, Dora Harvey, Julia Castle, Leasia Castle, Willie J. Wilcox, Belle Wilcox, Ulysses Wilcox, Lurie Wilcox, Dealy Wilcox, Tommy Wilcox, Guy Wilcox, Willies J. Atkins, Miles Marvin, Atkins, Ida May Atkins, John R. Atkins, and Orbyrie Atkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

It is the further opinion of this Commission that under the provisions of such Article fourteen of the Treaty of eighteen hundred and thirty six persons in seeking to obtain identification as a Mississippi Choctaw by marriage, and that the application made by John P. Nash for the identification of his wife Sarah H. Nash, by Laura Plummer for the identification of her husband, Joseph Plummer, by Lydia Nash for the identification of herself, and by Amanda Nash for the identification of her husband, Robert E. Nash, in each case as an Indian of the Mississippi Choctaw, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*I. B. Needles*

Commissioner in Charge.

Registered.

COPY. M.C.R. 1143

Muskogee, Indian Territory, October 11, 1902.

Owen Head,

Esperia, Mississippi.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James E. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

(SIGNED)

I. E. Needles.

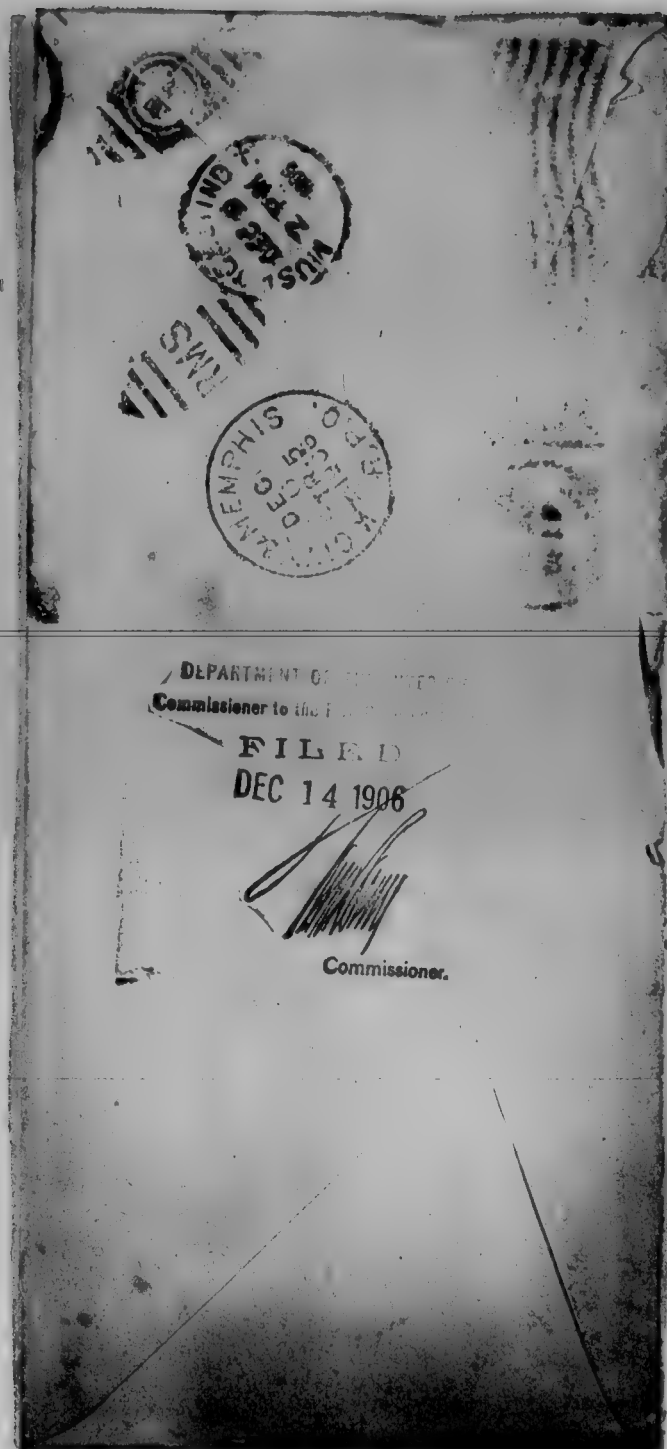
Commissioner in Charge.

Commissioner to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



1143





1

NOTES IN REPLY TO THE FOLLOWING:

MCR 1143

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 5, 1906.

Owen Head,

Emporia, Mississippi.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

No. 1143

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Owen Head

Age 40

Blood 1/16

Post Office, Euphoria Mississippi

Father: John Head

Mother: Mary Head

Claims through Father

wife Maggie

Father

No application for wife

Mother

Children:

Lee

18 years

May

16 "

Bertha

14 "

Pearl (girl)

11 "

Ruth

7 "

Herbert

4 "

Ralph

1 "

Hellshear.



choc mcr 1144 willie ned

mcr 1144

SS.-CHOCTAW  
NROLLMENT

L-1144

Willie Ned ET AL

Identified

Decision rendered April 27, 1903.

Copy of decision forwarded. Attorneys for Choctaw  
and Chickasaw Nations. April 27, 1903.

Copy of decision forwarded applicant May 5, 1903.

L-1144

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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The record herein is in the matter of the application  
of Willie Ned et al., for identification as Mississ-  
ippi Choctaws-----M.C.R.1144

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Willie Ned,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1144

-----  
I N D E X -----  
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Original application of Willie Ned, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Willie Ned, et al., as Mississippi Choctaws-----	4

R1144

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 19th, 1900.

In the matter of the application of Willie Ned for the identification of himself, his wife and two minor children as Mississippi Choctaws.

The said Willie Ned, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Willie Ned.
- Q What is your age? A Thirty-five.
- Q What is your post office address? A Rose Hill, Mississippi.
- Q Do you live at Rose Hill? A Yes, sir.
- Q How long have you lived in Mississippi? A I have been living there all my life.
- Q You were born in Mississippi? A Yes, sir.
- Q Did you ever live in the Indian Territory? A No, sir.
- Q What is your father's name? A Ned. He was named Ned.
- Q Is he living? A No, sir; he is dead.
- Q Was he a Choctaw Indian? A Yes, sir; full blood.
- Q What was your mother's name? A Betsey.
- Q Is she living? A No, sir; she is dead.
- Q Was she a Choctaw Indian? A Yes, sir.
- Q Full blood? A Yes, sir.
- Q You are a full blood Choctaw Indian then? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir; I don't know anything about that.
- Q You never were in the Indian Territory? A No, sir; I never was.
- Q You never received any money from the Indian Territory?
- A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship? A No, sir; I don't think I did.
- Q Did you or did any one in your behalf in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10, 1896? A No, sir; I don't think I did.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court? A No, sir.
- Q Have you ever prior to this time made any application to the tribal authorities of the Choctaw Nation in the Indian Territory or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A Well, I couldn't understand a heap of that you know.
- Q Well, is this the first time you have ever tried to be enrolled by either the Choctaw Indians or by the United States authorities? A Yes, sir.
- Q Do you claim under the 14th article of the treaty of 1830?
- A Well, I can't understand all the words you see.
- Q Do you know what the 14th article of the treaty of 1830 is?
- A No, sir.
- Q How old was your father when he died? A I don't know, sir, anything about it.
- Q Was he a very old man? A No, sir; I don't think he was very old.
- Q What was the name of his father, do you know? A No, sir; I don't know anything about it.

Willie Ned et al---2.

Q Do you know the name of his mother? A No, sir; I don't know a thing about him.

Q When did your mother die? A My mother died about two years ago.

Q Was she a very old lady? A She was somewhere along thirty or thirty-five or forty.

Q Do you know the name of her father? A Yes, sir.

✓ Q What was his name? A Mose.

Q Mose what? A That is all the name I ever heard.

Q Do you know the name of her mother, your mother's mother? A No, sir; I don't know anything about it.

Q Did Ned have any Indian name? A If he did I don't know anything about it.

Q Did Mose have any Indian name? A I don't know, sir; if he didn't I didn't know anything about it.

Q Do you know whether either Ned or Mose were recognized members of the Choctaw tribe of Indians in 1830? A No, sir; I don't.

Q Do you know whether or not either Ned or Mose remained in Mississippi ~~tax tax~~ after the conclusion of the treaty of 1830? A No, sir.

Q Do you know whether or not either Ned or Mose removed to the Indian Territory with the other members of the tribe after the treaty of 1830? A No, sir.

Q Do you know whether either Ned or Mose signified to the United States Indian Agent of the Choctaw Indians in Mississippi ~~that~~ his intention to remain and become a citizen of the United States? A No, sir; I don't know that.

Q Did either Ned or Mose or any of the other of your ancestors ever claim or receive any land in Mississippi? A No, sir; I never did hear it if they did.

Q Are you married? A Yes, sir.

✓ Q Is your wife a Choctaw Indian? A Yes, sir; a full blood.

✓ Q What is her name? A Lona.

✓ Q What is her age? A Twenty-four.

✓ Q What is the name of your wife's father? A Lewis.

✓ Q Just Lewis? A Jim Lewis.

Q Is he living? A Yes, sir.

Q Is he a Choctaw Indian? A Yes, sir.

✓ Q Full blood, is he? A Yes, sir.

✓ Q What is your wife's mother's name? A Gallie.

Q Is she living? A Yes, sir.

✓ Q Is she a full blood? A Yes, sir.

✓ Q Your wife then is a full blood Choctaw Indian too? A Yes, sir.

Q Where is she? Is she here? A Yes, sir; my wife's mother is here. My wife is not here.

Q Is your wife's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.

Q Did she ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship? A Not as I know of.

Q Did she or did any one in her behalf in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory under the Act of June 10th, 1896? A No, sir; I don't know anything about it.

Q Was she admitted to citizenship in the Choctaw Nation by a judgment of the United States Courts for the Indian Territory? A I don't know.

Q Has she ever prior to this time made any application to the

Willie Ned et al-----3.

authorities of the United States for citizenship or enrollment as a Choctaw Indian? A No, I don't know how to answer.

Q Well, if you don't know you may say that. A I don't know; that is all.

Q It is now your purpose to make application in her behalf for identification as a Mississippi Choctaw? A Yes, sir.

Q Do you claim for her under the 14 th article of the treaty of 1830? --that is the treaty that relates to Mississippi Choctaws?

A Yes, sir.

Q Do you know the name of your wife's mother? A Mose , her father was.

Q Was he living in Mississippi in 1830? A I don't know, sir, whether he was or not.

Q Do you know whether he was a recognized member of the Choctaw tribe of Indians at that time? A Yes, my mother's father was.

Q Are you and your wife cousins? A Yes, sir.

Q Have you any children? A Yes, sir.

Q What are their names and ages? A Marvin is the oldest one

Q How old is Marvin? A He is nine years old.

Q Go ahead with the rest of them. A Russell, two years old.

Q Both these children have the same mother? A Yes, sir.

Q Are these children living with you at your home? A Yes, sir.

Q These children claim to be full blood Choctaws, do they? A Yes, sir.

Q Have you got them around here anywhere? A No, sir.

Is there any additional statement you desire to make in support of this application, anything else you want to say or tell us about? A No, sir.

Q Have you any papers that you want to offer at this time in support of this application? A Why, I couldn't understand. I don't know how to answer it.

Q Well, you know whether you have any papers or evidence of any kind. You haven't got any have you? A No, sir.

MR. BIXBY: (Acting Chairman of the Commission) The Commission will look this testimony over, and after having time to do that we make our decision and send you a copy of that decision in writing and send it to your post office address. Do you ever go to the post office? A Yes, sir.

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in this application for enrollment and identification, and that the foregoing is a true, correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of December A. D. 1900.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Willie Ned,  
et al., for identification as Mississippi Choctaws----- M.C.R. 1144.

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Willie Ned for himself, his wife Lona and his two minor children, Marvin and Russell Ned, under the following provision of the Act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations

September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Willie Ned, Lona Ned, Marvin Ned and Russell Ned should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

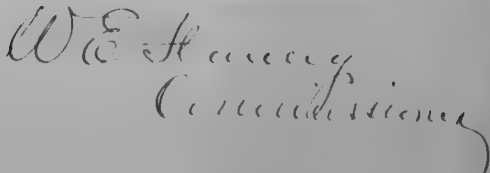
  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

APR 27 1903

  
Commissioner

Ardmore, I. T. February 18, 1903.

To the Commission to the Five Civilized Tribes,

You will please deliver to J. G. Ralls, of Atoka,  
Indian Territory, any copies of the records in my case that under  
the rule of law, the Commission may give out to Attorneys, as I  
have employed him to assist me in this case.

WITNESSES TO MARK:

*her marks*  
Louie Lewis or Louie Red

S. Myers  
M. Thppel

*Applied for her two children  
Novine + Russel.*

1144

IN RE

Application for Enrollment of  
Infant Child,

Arnold Ned

is a citizen of the

AS

MISSISSIPPI, COTAW.

Nation.

Approved, 190.

COMMISSIONER.

Received March 23, 1903.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Mississippi Choctaw Nation,  
of Arnold Ned (Here insert name of child), born on the 12th day of March, 1903.  
Name of Father: William Ned, a citizen of the Mississippi Choctaw Nation.  
Name of Mother: Loney Ned, a citizen of the Mississippi Choctaw Nation.  
Postoffice, Ardmore, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Southern District. }

I, Loney Ned, on oath state that I am about 27  
years of age and a citizen, by blood, of the Mississippi Choctaw Nation;  
that I am the lawful wife of William Ned, who is a citizen, by  
blood, of the Mississippi Choctaw Nation; that a male child was  
male or female,  
born to me on the 12 day of March, 1903; that said child has been named  
Arnold Ned, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

W. J. Tappit  
O. G. Gregory  
Subscribed and sworn to before me this 19 day of March, 1903.

O. G. Gregory  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY }  
Southern District. }

I, Ann Spades, a Mid-wife, on oath state that I  
attended on Mrs. Loney Ned, wife of William Ned,  
on the 12th day of March, 1903, 190; that there was born to her on said  
date a male child; that said child is now living and is said to have been named  
(male or female)  
Arnold Ned.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

W. J. Tappit  
O. G. Gregory  
Subscribed and sworn to before me this 19 day of March, 1903.

O. G. Gregory  
NOTARY PUBLIC.

My Commission expires Feb. 9<sup>th</sup> 1907

Muskegee, Indian Territory, March 11, 1903.

Edgar Wilhelm,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6th, in which you ask if Willie Neal or Neel and his wife who have recently moved from Mississippi are on the Mississippi Choctaw roll.

In reply to your letter you are advised that it does not appear from our records that any person by the name of Willie Neal or Neel is an applicant to this Commission for identification as a Mississippi Choctaw.

It does appear, however, that Willie Ned, a full blood Choctaw Indian, is an applicant to this Commission for the identification as Mississippi Choctaws of himself, his wife Lona Ned, and their children, Marvin and Russell Ned, all full blood Mississippi Choctaw Indians. The Commission has not yet passed upon the rights of these applicants to be identified as such full blood Mississippi Choctaws. As soon as a decision is reached in this case they will be duly notified of the action of the Commission.

Respectfully,

Chairman.

M C R 2144

Muskogee, Indian Territory, April 3, 1903.

J. G. Hall,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the mother, Loney Ned, and that of the midwife, Ann Spades, relative to the birth of Arnold Ned, infant child of William and Loney Ned, March 12, 1903, and the same have been filed with the records of the Commission.

Respectfully,

Commissioner in Charge



Copy

M. C. S. 1144.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Willie Ned, his wife, Lona Ned, and his two minor children, Marvin Ned and Russell Ned, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Willie Ned, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

MCM

Tamm Birby,  
 Chairman.

Registered,  
 M. C. S. 1144.

M C R 1144

Muskogee, Indian Territory, May 5, 1903.

Willie, Ned,

Ardenre, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying Willie Ned, his wife, Lena Ned, and his two minor children, Marvin Ned and Russell Ned, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Register

Enc 1144

Chairman.

No. 1144

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Willie Ned

Age 35 Blood Full Blood

Post Office, Rose Hill, Mississippi

Father: Ned

Mother: Betsy

Claims through Book Teacher & Mother

wife Lona (age 24) Full Blood

Mother Jim Lewis

Father Sallie Lewis

1

Children:

Mervin

9 years

Russell

2

Wellshear

Choc MCR 1145 John Mase

MCR 1145

MISS.-CHOCTAW  
ENROLLMENT

R1145

John Mose ET AL

IDENTIFIED

Decision rendered Feb. 14, 1903.

Copy of decision forwarded  
Attorneys for Choctaw and Chickasaw Nations Feb. 21, 1903.

Copy of Decision forwarded applicant Mar. 11, 1903.

Supplemental decision identifying Laura Mose  
May 28, 1903.

R1145

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

-----:  
In the matter of the application of John Mose, et al.,

for identification as Mississippi

Choctaws.

M.C.R. 1145.

---

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Mose,  
et al., for identification as Mississippi  
Choctaws-----M.C.R. 1145

-----  
----- I N D E X -----  
-----

Original application of John Mose, et al., to the Dawes  
Commission for identification as Mississippi Choctaws----- 1

Decision of the Commission identifying John Mose,  
et al., as Mississippi Choctaws-----5



TR 1145

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg Miss. Dec. 19th, 1900.

In the matter of the application of John Mose for the identification of himself, his wife and four minor children as Mississippi Choctaws.

The said John Mose, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A John Mose.
- Q What is your age? A Forty-nine.
- Q What is your post office address? A Rose Hill, Mississippi.
- Q Do you live at Rose Hill Mississippi? A About three miles from there.
- Q How long have you lived in Mississippi? A All my life.
- Q You were born in Mississippi, were you? A Yes, sir.
- Q Did you ever live in the Indian Territory? A No, sir.
- Q What is your father's name? A Mose.
- Q Is he living? A No, sir.
- Q What is your mother's name? A A I don't recollect, I was small.
- Q She is dead? A Yes, sir.
- Q Were your father and mother both full blood Indians? A Yes, sir. Choctaws.
- Q You claim, then to be a full blood Choctaw, do you? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir; I don't know.
- Q Did you ever apply to the Choctaw tribal authorities in the Indian Territory for citizenship? A I don't know, sir.
- Q You never were over in the Indian Territory? A No, sir.
- Q You never sent your name over there, did you? A No, sir.
- Q Did you or did any one in your behalf in the year 1896, four years ago, make application to the Dawes Commission, this Commission, for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? (No response.)
- Q You didn't send your name over to the Indian Territory to this Commission, did you? A No, sir.
- Q This is the first time you have ever made application to the authorities of the United States for citizenship in the Choctaw Nation? A Yes, sir.
- Q It is now your purpose, is it, to make application for identification as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under the 14th article of the treaty of 1830? A I don't know.
- Q You never heard anything about the treaty of 1830, did you? A No, sir.
- Q You don't know what the 14th article is? A No, sir.
- Q Do you know the name of any one of your forefathers who lived in Mississippi in 1830? A No, sir.
- Q Was Mose living then? A I don't know, sir; I can't remember.
- Q Well, how old a man was Mose when he died? A I reckon he was between sixty years old.
- Q How long ago did he die? A As well as I remember about seven years ago.
- Q Do you know the name of Mose's father? A No, sir.

- Q Do you know the name of any of your grandparents? A No, sir.
- Q Do you know whether your grandparents remained in Mississippi after the treaty of 1830 was made? A No, sir.
- Q You don't know anything about that? A No, sir.
- Q You don't know whether Mose remained in Mississippi or not, if he was living at that time? A Yes, sir; he was in Mississippi I think after that time.
- Q How old would Mose be if he was living at this time? A He would be about one hundred.
- Q Do you know whether he went to the Indian Territory at the time the Choctaws emigrated? A I don't think he did.
- Q You think he stayed right here do you? A Yes, sir.
- Q Do you know whether he told the United States Indian Agent, Col. Ward, I think his name was, who was stationed here in Mississippi, his intention to remain and become a citizen of the United States? A No, sir.
- Q You don't know anything about that, do you? A No, sir.
- Q Do you know whether Mose or any of the others of these ancestors, that is your forefathers, your grandparents or your parents, whether they claimed or received any land in Mississippi? A No, sir; I don't know.
- ✓ Q Are you married? A Yes, sir.
- ✓ Q Is your wife a Choctaw Indian? A Yes, sir.
- ✓ Q Is she here? A I left her at home.
- ✓ Q Is she a full blood? A Yes, sir.
- ✓ Q What is your wife's name? A Lula.
- ✓ Q What is the name of your wife's father? A Jackson.
- ✓ Q Is that all? A Yes, sir.
- Q How old is your wife? A She is about thirty-two.
- Q Is your wife's father living? A Yes, sir; he is living down the road somewhere.
- ✓ Q He is a full blood Choctaw, is he? A Yes, sir.
- ✓ Q What is the name of your wife's mother? A She don't recollect; she was little when she died.
- ✓ Q Was she a full blood Choctaw? A Yes, sir.
- ✓ Q Your wife then is a full blood Choctaw Indian? A Yes, sir.
- Q Is your wife's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
- Q Did she ever apply to the tribal authorities of the Choctaw Nation in the Indian Territory for citizenship? A No, sir.
- Q Did she ever apply in the year 1897, four years ago, to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A I can't say that.
- Q She never went over in the Indian Territory, did she? A No, sir.
- Q Did she ever send any papers over there to the United States officials? A No, sir.
- Q Is this the first time your wife or any one in her behalf ever made application to the United States authorities for citizenship in the Choctaw Nation? A Yes, sir.
- Q This is the first time, isn't it? A Yes, sir.
- Q She never went before the Commission anywhere? A No, sir.
- Q This is your first time and her first time? A Yes, sir.
- Q You now want to apply for her for identification as a Mississippi Choctaw as well as for yourself? A Yes, sir.
- Q You are claiming for her under the 14th article of the treaty of 1830 the same as for yourself? A Yes, sir.
- Q Is Jackson living? A Yes, sir.
- Q How old is he? A About fifty-nine I think.

John Mose et al -----3

Q Do you know the name of Jackson's father? A Old man Lewis I think--No, let's see, that was his grandpa was old man Lewis.

Q Well, what was Jackson's father's name? A Shumaker, I think.

Q Shumaker is dead, ain't he? A Yes, sir.

Q Did old man Lewis and Shoemaker live in Mississippi in 1830? A Yes, sir; he was in Mississippi was Shoemaker.

Q Was Shoemaker a recognized member of the Choctaw tribe of Indians in 1830 so far as you know? A No, sir; I don't know anything about it.

Q You know he was a Choctaw Indian? A Yes, sir; he was a Choctaw.

Q Old Man Lewis was a full blood Choctaw Indian? A Yes, sir.

Q Old Man Lewis and Shoemaker, did they remain in Mississippi after the treaty of Daring Rabbit Creek was made? Did they stay in Mississippi? A Yes, sir; I think they did.

Q They didn't go to the Indian Territory did they? A No, sir.

Q Do you know whether old man Lewis or Shoemaker told the United States Indian Agent, Col. Ward, I believe his name was, that he intended to remain in Mississippi, or stay in Mississippi, and become a citizen of the United States? A I don't know anything about that.

Q Did Old Man Lewis or Shoemaker ever claim or receive any land in Mississippi from the United States government? A No, sir; I don't know.

Q Well, what do you think about it? Did you ever hear about it at all? Don't you know whether they had any land? A Yes, sir; I heard they did have some land.

Q What have they done with the land? Have you got any of the land? A I guess so.

Q Do you own any land or just live on it? Do you own any land here in Mississippi? A No, sir.

Q Does your wife own any land here in Mississippi? A No, sir.

Q Did your father or your wife's father or mother ever have any land in Mississippi? A Well, that was many years ago.

Q It is many years ago? A Yes, sir; I believe they did have some land.

Q What did they do with it? A I don't know. It has been too far back.

Q How much land did they have, any of your people, how much land did they have? A I don't know.

Q Did you ever see any papers regarding the land at all? A No, sir.

Q Have you got any children? A Yes, sir.

Q Do you want to claim for them and your wife the same as for your self? A Yes, sir.

Q What are their names and ages? A There is one right there is twenty-one.

Q Is he over twenty-one or under twenty-one? A Just about twenty-one.

Q When was he twenty-one? Has he been twenty-one? A Yes, sir; just about.

Q Have you any other children under twenty-one? A Yes, sir. I have got four living.

Q Well, give us their names and ages. A I have got one named William Davis and one right there is named Steen.

Q How old is William Davis? A He is a little over three years old.

Q Would you call him William Davis Mose? A Yes, sir.

John Mose et al-----4.

Q All right, the next one. A Frank. He is about eight years old, and Steen, about twenty years old.

Q What is the next one? A Lark Davis Mose; he is about a year old.

Q Do you think of anything else, John, that you want to say in regard to your case? Can you tell us anything else? (No response)

Q Have you any papers that you would like to offer? A No, sir.

Q Did you ever hear the name of the man that held this land that you were telling about? A No, sir.

Q You don't know which one it was? A No, sir.

Q It was just some of your people, and that is all you know about it? A Yes, sir.

MR. BIXBY: (Acting Chairman of Commission) Upon a careful consideration of the testimony offered in support of this application the Commission will render its decision, and a copy of the same will be mailed to your present post office address.

-----0-----

Wm. S. Wellshear, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in this application for identification at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

*Wm S Wellshear*

Subscribed and sworn to before me this 20th day of December, A. D. 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of John Mose,  
et al., for identification as Mississippi Choctaws-M.C.R.1145

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 19, 1900, by John Mose for himself, his wife Lula, and his four minor children, Steen, Frank, William Davis and Lark Davis Mose, under the following provision of the Act of Congress approved June 28, 1898(30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section fortyone of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

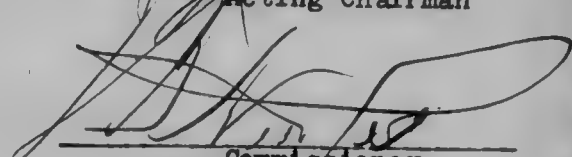
(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Mose, Lula Mose, Steen Mose, Frank Mose, William Davis Mose and Lark Davis Mose should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

SEP 14 1902

COPY!

M.C.R. 1145.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Mose, his wife Lula Mose, and minor children Steen Mose, Frank Mose, William ~~Burke~~ Mose, and Lark Davis Mose, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Mose, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED, *Tams Bixby.*

Registered.  
Enc. W.C.R. 18.

Acting Chairman.



COPY.

M.C.R. 1145

Muskogee, Indian Territory, March 11, 1903.

John Mose,  
Rose Hill, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Lula Mose and your minor children, Steen Mose, Frank Mose, William Davis Mose and Lark Davis Mose as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

respectfully,

SIGNED

Chairman.

Registered.

Enc. 1145

IN RE  
THE DEATH OF

*Betty Moss*  
a citizen of the

*Chickaw* Nation.

Approved..... 190

Commissioner.

Ans } 583  
367

Q 1068 6 1073  
+  
1736

CR 1145

Filed May 24-05

## 32

**In the matter of the death of.**

## 6

Southern

1, John Moore

(Must be Two Witnesses.) { Mr. F. Winfrey  
21 F. Freeman

John <sup>his</sup> ~~x~~ Moss  
works

*J. L. Pather*  
Notary

.....

ED STATES OF AMERICA,  
*Southern*

J. G. Gillard

(Must be Two Witnesses.)

*Wail*

*J. R. P. R.*  
Notary

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Miss Choctaw* Nation,  
of *Laura Mose*, born on the *28* day of *June*, 1901.  
Here insert name of child.  
Name of Father: *John Mose*, a citizen of the *Miss Choctaw* Nation.  
Name of Mother: *Lula Mose*, a citizen of the *Miss Choctaw* Nation.  
Postoffice, *Admon I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *Lula Mose*, on oath state that I am *35*  
years of age and a citizen, by *blood*, of the *Miss Choctaw* Nation;  
that I am the lawful wife of *John Mose*, who is a citizen, by  
*blood*, of the *Miss Choctaw* Nation; that a *female* child was  
(male or female)  
born to me on the *28* day of *June*, 1901; that said child has been named  
*Laura Mose*, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

*W. L. Tippit*  
*O. G. Gregory*

*Lula Mose*  
her  
mark

Subscribed and sworn to before me this *19* day of *March*, 1903.

*O. G. Gregory*

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
*Southern* District.

I, *Jennie Lewis*, a *Midwife*, on oath state that I  
attended on Mrs. *Lula Mose*, wife of *John Mose*,  
on the *28* day of *June*, 1901; that there was born to her on said  
date a *female* child; that said child is now living and is said to have been named  
*Laura Mose*,  
(male or female)

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

*W. L. Tippit*  
*O. G. Gregory*

*Jennie Lewis*  
her  
mark

Subscribed and sworn to before me this *19* day of *March*, 1903.

*O. G. Gregory*

NOTARY PUBLIC.

*My Commission Expires Feb. 9 - 1907*

1145

IN RE  
FOR IDENTIFICATION AS  
Application for Enrollment of  
A MISSISSIPPI CHOCTAW.  
Infant Child.

*Laura Rose*

as a citizen of the

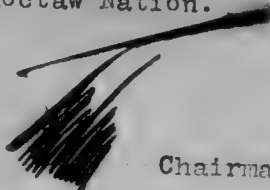
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW ion.

Approved, 190

COMMISSIONER.

This application was received  
at this office March 23, 1903.

The within application is accepted on behalf of the within named child as evidence of its birth, and will be filed and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

 Chairman.

M C R 1145

MCR 1145

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the identification of  
Laura Mose as a Mississippi Choctaw.

.....D E C I S I O N.....

It appears from the record herein that application has been  
made to this Commission for the identification as a Mississippi  
Choctaw of Laura Mose, born June 28, 1901, under the following  
provision of the act of Congress approved June 28, 1898, (30  
Stats., 495):

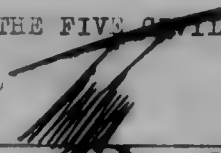
"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, concluded  
September twenty-seventh, eighteen hundred and thirty,  
and to that end may administer oaths, examine witnesses  
and perform all other acts necessary thereto and make  
report to the Secretary of the Interior."

It further appears from the records of the Commission that  
the said Laura Mose is the legitimate child of John Mose and Lula  
Mose, both of whom are full-blood Mississippi Choctaw Indians and  
have been identified as such by the Commission to the Five Civilized  
Tribes under the provisions of section 41 of the act of Congress  
approved July 1, 1902, (32 Stats., 641) and ratified by the citizens  
of the Choctaw and Chickasaw Nations September 25, 1902.

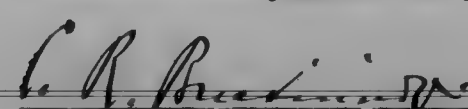
-2-

It is, therefore, the opinion of this Commission that Laura Mose should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

MAY 28 1903



M.C.R. 1145.

COPY.

Muskogee, Indian Territory, June 2, 1903.

John Mose,

Ardmore, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered May 28, 1903, identifying your minor child, Laura Mose, as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 1145.

M.C.R. 1145.

COPY.

Muskogee, Indian Territory, June 2, 1903.

Manerfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered May 28, 1903, identifying Laura Mose, minor child of John and Lula Mose, as a Mississippi Choctaw Indian under the provisions of the forty-first section of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Laura Mose as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED):

*I. B. Needles.*

Commissioner in Charge.

Registered.  
Enc. 1145.

Ardmore, I. T. February 18, 1903.

To the Commission to the Five Civilized Tribes,

Maskogee, Indian Territory.

You will please deliver to J. G. Ralls of Atoka, Indian Territory any copies of the records in my case that under the rule of law the Commission may give out to Attorneys, as I have employed him to assist me in this case.

WITNESSES TO MARK:

L. Tippet

cc John <sup>his</sup> ~~son~~ <sub>mark</sub>

Also appeared for his wife Lula,  
and Frank, Wm. Margaret and  
Laura.

COPY.

M.C.R. 1145.

Muskegee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Mose, his wife Lula Mose, and minor children Steen Mose, Frank Mose, William ~~Mose~~ Mose, and Lark Davis Mose, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Mose, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tame Bixby.*

Registered.  
Enc. W.C.B. 18.

Acting Chairman.

COPY.

M.C.R. 1145

Muskogee, Indian Territory, March 11, 1903.

John Mose,

~~Rose Hill~~, Mississippi.

Dear Sir:

*Remailed. Anson. J. T. May 15. 1903.*

*Remailed. Mc Millan. J. T. Nov 24. 1903.*

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Lula Mose and your minor children, Steen Mose, Frank Mose, William Davis Mose and Lark Davis Mose as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED

*James D. Dyer*

Chairman.

Registered.

Enc. 1145

Muskogee, Indian Territory, April 3, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, enclosing the affidavit of the mother, Lula Moses, and that of the midwife, Jennie Lewis, relative to the birth of Laura Moses, infant daughter of John and Lula Moses, June 28, 1901. The same have been filed with the record in the Mississippi Choctaw case of John Mose, et al.

Respectfully,

Commissioner in Charge

W.O.B. 1145.

COPY.

Muskogee, Indian Territory, June 2, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of this Commission rendered May 28, 1903, identifying Laura Mose, minor child of John and Lula Mose, as a Mississippi Choctaw Indian under the provisions of the forty-first section of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Laura Mose as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.  
Enc. 1145.



M.C.R. 1148.

COPY.

Muskogee, Indian Territory, June 2, 1903.

John Mose,

Adams, Indian Territory.

*Remailed McMillan I.T. Nov 24. 1903.*

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes rendered May 28, 1903, identifying your minor child, Laura Mose, as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 1148.

Muskogee, Indian Territory, August 12, 1904.

Commissioner in Charge,  
Chickasaw Land Office,  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that John Mose, who appears upon identified Mississippi Choctaw card 367, roll No. 1068, appeared before your office and asked to be advised what disposition had been made of the application of his minor child, Margaret Mose, for identification as a Mississippi Choctaw. You ask if the records of this office show any application to have been made for Margaret Mose and if so what action has been taken thereon.

In reply to your letter you are informed that it appears from our records that on December 19, 1900, at Hattiesburg, Mississippi, John Mose, forty-nine years of age, made application to this Commission for the identification of himself, his wife Lula Mose, and four minor children, Steen Mose, William Davis Mose, Frank Mose, and Lark Davis Mose, as Mississippi Choctaws.

On February 14, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying John Mose, Lula Mose, Steen Mose, Frank Mose, William Davis Mose and Lark Davis Mose as full blood Mississippi Choctaws.

(2)

Also on May 28, 1903, a supplemental decision was rendered by the Commission identifying Laura Mose, infant daughter of John and Lula Mose, as a full blood Mississippi Choctaw, application having been made by birth affidavits for the identification of the said Laura Mose.

The records of this office have been carefully examined and it does not appear that any application has ever been made to this Commission for the identification as a Mississippi Choctaw of Margaret Mose, minor daughter of John and Lula Mose.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 29, 1905.

Brown & Turner,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant, asking to be advised relative to the identification of Marguerette Mose as a Mississippi Choctaw. You state that John Mose, the father of this child, claims he made application for her in Mississippi.

In reply you are informed that it does not appear from our records that any application has ever been made to this Commission by or on behalf of any person by the name of Marguerette Mose for identification as a Mississippi Choctaw.

The Commission is unable to advise you why the name of Marguerette Mose was not included in the application made by John Mose for the identification of himself and family as Mississippi Choctaws.

You are further advised that we are without authority to receive or consider the original application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 1145

Muskogee, Indian Territory, May 10, 1905.

John Mose,

McMillan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 1905, transmitting proof of death of your daughter, Betty Mose, a Mississippi Choctaw.

In reply you are informed that it does not appear from our records that any application was ever made to this Commission by or on behalf of any person by the name of Betty Mose for identification as a Mississippi Choctaw. You are requested to state the age of said Betty Mose and also the time and place application was made for her identification. You are further requested to advise this office if Betty Mose was ever known by any other name.

Respectfully,

Chairman.

M.C.R. 1145.

Muskogee, Indian Territory, March 16, 1906.

A. K. Swan,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst. asking to be advised relative to the identification of Margaret Mose. You state that John Mose, father of this child, made application for her at Harrisburg, Mississippi (Green Co.); that John Mose after the identification of himself and family moved to the Chickasaw Nation and has selected land for all of his family except Margaret; that he attempted to file for her, but was informed that her name was not on the rolls. In conclusion you ask to be advised what the records of this office show relative to the application of this family.

In reply you are informed that it appears from the records of this office that on December 19, 1900 at Hattiesburg, Mississippi John Mose, 49 years of age, made application to the Commission to the Five Civilized Tribes for the identification of himself, his wife, Lula, 32 years of age and four minor children, Steen Mose, age 20 years, Frank Mose, age 8 years, William Davis Mose, age 3 years

A. K. S.

-2-

and Lark Davis Mose, age 1 year, as Mississippi Choctaws.

On March 23, 1903, application was made by birth affidavits for the identification of Laura Mose, infant daughter of John and Lula Mose.

The records of this office do not show that any application has ever been made for the identification, as a Mississippi Choctaw, of Margaret Mose nor was her name mentioned in the testimony given by John Mose at the time he made application for the identification of his family at Hattiesburg, Mississippi, December 19, 1900.

Respectfully,

Acting Commissioner.



Muskogee, Indian Territory, April 10, 1906.

Davis, Freeman & Anderton,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be advised as to what is the "hitch" in the matter of the enrollment of Margaret Mose, daughter of John and Lula Mose, as a Mississippi Choctaw.

The records of this office show that at Hattiesburg, Mississippi, on December 19, 1900, John Mose made application for the identification of himself, his wife Lula, and four minor children, Steen, Frank, William Davis and Lark Davis Mose, as Mississippi Choctaws.

It does not appear that any application has ever been made for the identification of Margaret Mose as a Mississippi Choctaw, neither was her name mentioned in the testimony given by John Mose when he made the application above referred to.

You are further informed that there is now no authority of law for the reception of an application for the identification of Margaret Mose as a Mississippi Choctaw.

Respectfully,

Acting Commissioner.

RECEIVED  
OFFICE OF FIELD CLERK  
FIVE CIVILIZED TRIBES  
NOV 9 1917  
ARDMORE, OKLAHOMA.

A F F I D A V I T

RECEIVED  
NOV 21 1917  
ENCL. TO  
NOV 29 1917  
SPT. REC'D

STATE OF OKLAHOMA }  
COUNTY OF CARTER }

Comes now John Mose, of McMillen, Oklahoma  
being of lawful age, and upon oath states that he is the  
father of Steen Mose, Mississippi Choctaw Roll No. 597:

That the said Steen Mose is not the son of  
Lula Mose Mississippi Choctaw No. 596, deceased, but is the  
son of Rosinda Mose, John Mose's first wife who died in  
Mississippi and was not on the approved Mississippi Choctaw  
Roll.

*his*  
John Mose  
*first*

STATE OF OKLAHOMA }  
COUNTY OF CARTER }

Before me *R. P. Huran* a Notary Public  
in and for said county and state appeared John Mose and  
acknowledged to me that he is the identical person who executed  
the within and foregoing instrument and that he executed  
same as his free and voluntary act and deed for the uses and  
purposes set forth.

Subscribed and sworn to before me on this 17  
day of November 1917.

*R. P. Huran*  
Notary Public

My commission expires Jan. 1 1919

No. 1145

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name John Mose

Age 49 Blood Full blood

Post Office, Rose Hill, Mississippi

Father: Mose Dead

Mother: (Don't know) Dead

Claims through Both Father & Mother

wife Lula 37 years Full Blood

Mother ——— Dead

Father Jackson 59 years

Children:

Steen Mose 20 years

William Davis Mose 3 years

Frank Mose 8 "

Lark Davis Mose 1 "

Signature  
Collector

Choc MCR 1146 Lizzie Boston

MCR 1146

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----oOo-----

The record herein is in the matter of the  
application of Lizzie Boston, et al., for  
identification as Mississippi Choctaws,  
M.C.R. 1146

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lizzie Boston,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1146

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----- I N D E X -----  
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Original application of Lizzie Boston, et al., to the Dawes Commission for identification as Mississippi Choctaws----	1
Decision of the Commission identifying the applicants in the application of Lizzie Boston, et al., as Mississ- ippi Choctaws	3

TE 1146

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Lizzie Boston and her minor children. Lizzie Boston being duly sworn by Acting Chairman Bixby testified as follows:

Examination by the Commission.  
Through Interpreter H. S. Halbert.

- Q What is your name? A Lizzie Boston.  
Q How old are you? A About thirty.  
Q What is your post-office? A Hayrow, Jasper County.  
Q How long have you lived in Mississippi? A Born, raised and lived in Mississippi.  
Q Never have been any where else? A Just lived in Jasper County.  
Q What is your father's name? A Jim Lewis his white name.  
Q What is his Indian name? A Ilahotubbee.  
Q Is your father living? A Yes sir.  
Q What is your mother's name? A Sally.  
Q Sally Lewis? A Sally Washington.  
Q Is she living? A Yes sir. My mother's here.  
Q They are both full blood Choctaws? A Yes sir.  
Q Are you married? A Yes sir, my old man dead.  
Q What is his name? A I had a husband by the name of Wiley Johnson but he ran away.  
Q Have you any children? A Yes sir.  
Q How many? A Three.  
Q What are the names of your children? A Bennie Boston.  
Q How old is Bennie? A Ten.  
Q Got another one? A Dora Boston.  
Q How old? A Eight.  
Q Who was the father of these children? A Lewis Boston.  
Q Is Lewis Boston living? A Dead.  
Q Got another child? A Lucy.  
Q Lucy what? A Lucy Johnson.  
Q How old? A Four months.  
Q Who is the father of this child? A Wiley Johnson.  
Q Where is he? A He has run away.  
Q Is Wiley Johnson a full blood? A Yes sir.  
Q Lewis Boston a full blood Choctaw? A Yes sir.  
Q All the children full bloods? A Yes sir.  
Q Is your name on any of the rolls of the Choctaws in the Indian Territory? A No sir.  
Q Did you ever apply to the Choctaw people in the Indian Territory to be enrolled as a Choctaw? A Did not.  
Q Did you make application to the Commission, to the Dawes Commission four years ago for citizenship in the Choctaw Nation in the Indian Territory? A Did not.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory? A Did not.  
Q This is the first time you have ever made any application? A I made it before.  
Q Where was it? A Decatur.  
Q When? A About two years ago I think I sent it in.  
Q The last time you made application did you say your name was Melissa or Lizzie? A I gave it as Lizzie.  
1 Q Who gave your name in or did you give your name in yourself? A An Indian by the name of Nings gave my name in. Last January.



Lizzie Boston 2

The applicant is the identical person who appears as Melissa Boston together with her two children Bennie and Dora Boston in Mississippi Choctaw roll card No. 370 having been placed thereon at Decatur, Mississippi, February 7th, 1899 and also appear in the schedule annexed to the Commissions report of March 10th, 1900, page 85, numbers 1814, 1815, and 1816.

Q You are making application as a Mississippi Choctaw? A Yes sir.

Q You claim under the fourteenth article of the treaty of 1830? A Yes sir.

Q What was your grand father's name? A Don't know. So long ago I don't know.

Q Do you know any of your grand parents names. Either your father or mother's parents names? A Don't know.

Q Do you know anything about them? A No.

Q Do you know whether they ever went to the Indian Territory? A I don't know anything about it.

Q Do you remember any of them? A Don't know.

Q Did any of them ever receive any land here in Mississippi from the United States government? A None. Got none.

Q Have you ever received any benefits from the Choctaw Indians in the Indian Territory? A Did not.

Q Never got any money from them? A No.

Q Any of your people ever draw any money from the Choctaw Nation in the Indian Territory? A No sir.

Q If the Commission is enabled to identify you as a Mississippi Choctaw is it your intention to remove with your children to the Indian Territory? A Yes sir.

Q Move out there? A Yes sir.

Q Have you any papers to show that your ancestors ever received any benefits as Choctaw Indians or were ever recognized? A None.

Q Anything more you want to say? A Nothing else.

The decision of the Commission as to your application and the application you make on behalf of your three minor children for identification as Mississippi Choctaws will be mailed to you at your present post-office.

This applicant is to all appearances a full blood Choctaw Indian. Unable to speak the English language and understands but little English that is spoken to her. She has no knowledge of her ancestors further back than her father and mother and knows nothing of their residence in Mississippi or the Indian Territory. She has always lived in Mississippi and has never derived any benefits from the Choctaw Nation in the Indian Territory.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 20th day of December, 1900

*Myra Young*  
\_\_\_\_\_  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lizzie Boston,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1146

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 19, 1900, by Lizzie Boston for herself and her three minor children, Bennie and Dora Boston, and Lucy Johnson, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902,

(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all fullblood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Lizzie Boston, Bennie Boston, Dora Boston and Lucy Johnson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Lizzie Boston and her minor children, Bennie Boston, Dora Boston and Lucy Johnson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Lizzie Boston and her children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

*Tame Dixby*

Chairman

Registered  
Enclosure G.H. 66

RECEIVED FOR THE CHIEF OF BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. FEBRUARY 11, 1903

MUSKOGEE INDIAN TERRITORY, MARCH 11, 1903

COPY

M.C.R. 1146

Muskogee, Indian Territory, March 11, 1903

Lizzie Boston,

Hero, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the commission to the five civilized tribes, rendered February 14, 1903, identifying yourself, and your minor children, Bennie Boston, Dora Boston, and Lucy Johnson as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tams Bixby.*

Chairman.

Registered.

Enc. 1146

IN RE

Application for Enrollment of

INFANT CHILD

.....  
as a citizen of..... Nation.  
.....

Approved..... 190.....

.....  
Commissioner.  
.....

MCR 1146

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,  
of Jim J. Boston, born on the 4 day of May, 1902  
(Here insert name of child)  
Name of Father: Jim J. Boston a citizen of the Choctaw Nation.  
Name of Mother: Lizzie Boston a citizen of the Choctaw Nation.  
Post-office Durwood, Ok.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
Southern District.

I, Lizzie Boston, on oath state that I am 30  
years of age and a citizen, by birth or blood, of the Choctaw Nation;  
that I am the lawful wife of \_\_\_\_\_, who is a citizen, by

\_\_\_\_\_ of the \_\_\_\_\_ Nation; that a male child was  
(Male or female)  
born to me on 4 day of May, 1902; that said child has been named  
Jim J. Boston, and is now living her

## WITNESSES TO MARK:

Must be Two  
Witnesses.

E. J. Neal Lizzie X Boston  
G. W. McMillan mark  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1902.

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
\_\_\_\_\_ District.

I, Mary Shoemaker, a midwife, on oath state that I at-  
tended on Mrs. Lizzie Boston, wife of \_\_\_\_\_  
on the 4 day of May, 1902; that there was born to her on said  
date a boy child; that said child is now living and is said to have been named  
(MALE OR FEMALE)  
Jim J. Boston

## WITNESSES TO MARK:

Must be Two  
Witnesses.

Mary X Shoemaker  
G. W. McMillan mark  
Subscribed and sworn to before me this 16 day of July, 1903.

NOTARY PUBLIC.



IN RE  
FOR IDENTIFICATION AS  
Application for Enrollment of  
A MISSISSIPPI CHOCTAW.  
Infant Child,

*Jim T. Boston*

as a citizen of the

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW Nation.

Approved, 190

COMMISSIONER.

Received March 23, 1903.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Mississippi Choctaw Nation,  
of Jim T. Boston, born on the 4 day of May, 1902.  
Name of Father: George Washington, a citizen of the Mississippi Choctaw Nation.  
Name of Mother: Lizzie Boston, a citizen of the Mississippi Choctaw Nation.  
Postoffice, Marietta, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Southern District. }

I, Lizzie Boston, on oath state that I am 35  
years of age and a citizen, by blood, of the Mississippi Choctaw Nation;  
that I am the lawful wife of George Washington, who is a citizen, by  
blood, of the Mississippi Choctaw Nation; that a male child born  
born to me on the 4 day of May, 1902; that said child has been named  
Jim T. Boston, and is now living.

WITNESSES TO MARK:

(Must be Two)  
Witnesses.

Lizzie Boston  
S. J. Ansant  
Subscribed and sworn to before me this 21 day of May, 1903.

D. S. Bartlett  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY }  
Southern District. }

I, Ann Spades, a mid-wife, on oath state that I  
attended on Mrs. Lizzie Boston, wife of George Washington,  
on the 4 day of May, 1902; that there was born to her on said  
date a male child; that said child is now living and is said to have been named  
Jim T. Boston.

WITNESSES TO MARK:

(Must be Two)  
Witnesses.

Ann Spades  
A. T. Gregory  
Subscribed and sworn to before me this 21 day of March, 1903.

O. T. Gregory  
NOTARY PUBLIC.

My Commission Expires Feb 9 - 1907

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

MM 55 IN RE

Application for Enrollment of

INFANT CHILD

*Jim T. Boston*

as a citizen of the

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW Nation.

Approved \_\_\_\_\_ 190

Commissioner.

First application rec'd  
March 23, 1903.

The within application is accepted on behalf of the within named child as evidence of its birth, and will be filed and made a part of the application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

  
Chairman.

20

MCR 1146

MCR 1146

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAWDEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a ~~citizen of the~~ A MISSISSIPPI CHOCTAW Nation,  
of Jim T. Boston, born on the 4<sup>th</sup> day of May, 1902  
(Here insert name of child.)  
Name of Father: Wiley Johnson, a ~~citizen of the~~ A MISSISSIPPI CHOCTAW Nation.  
Name of Mother: Lizzie Boston, a ~~citizen of the~~ A MISSISSIPPI CHOCTAW Nation.  
Post-Office: Durwood, I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY,  
Southern District. }

I, Lizzie Boston, on oath state that I am 30  
years of age and a citizen, by A MISSISSIPPI CHOCTAW Nation,  
that I am the lawful wife of \_\_\_\_\_, who is a citizen, by  
\_\_\_\_\_ of the \_\_\_\_\_ Nation, that a male child was  
(Male or female.)  
born to me on the 4<sup>th</sup> day of May, 1902; that said child has been  
named Jim T. Boston, and is now living.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

J. W. Wilson Lizzie Boston  
Billie Leader mark

Subscribed and sworn to before me this 7 day of Aug, 1903.  
my commission expires F. K. West  
April 13, 1904 Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

INDIAN TERRITORY,  
Southern District. }

I, Mary Shoemaker, a midwife, on oath state that I  
attended on Mrs. Lizzie Boston, wife of \_\_\_\_\_,  
on the 4<sup>th</sup> day of May, 1902; that there was born to her on said  
date a male child; that said child is now living and is said to have been  
(Male or female.)  
named Jim T. Boston.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

J. W. Wilson Mary Shoemaker  
Billie Leader mark

Subscribed and sworn to before me this 7 day of Aug, 1903.  
my commission expires F. K. West  
April 13, 1904 Notary Public.

Ardmore, I. T. February 16, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Y        You will please deliver to J. G. Ralls, of Atoka,  
Indian Territory, any copies of records in my case, that under the  
rule of law the Commission may give out to Attorneys, as I have  
employed him to assist me in this case.

WITNESSES:

Gene Tippet  
Sam Biley

Lizzie <sup>her</sup> Boston  
mark

Lizzie Boston also applied for her  
three children Ben, Dora, and Aley.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application for the identification of  
Jim T. Boston as a Mississippi Choctaw, M.C.R.1146.

.....D E C I S I O N.....

It appears from the record herein that application has been made to this Commission for identification as a Mississippi Choctaw of Jim T. Boston, born May 4, 1902, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears from the records of the Commission that the said Jim T. Boston is the legitimate child of Wiley Johnson, for whom no application for identification as a Mississippi Choctaw has been made, and Lizzie Boston, both of whom are full-blood Choctaw Indians. It further appears from said records that Lizzie Boston, together with her three minor children, one of whom is a full sister of the applicant herein, were on February 14, 1903, identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes, under the provisions of section forty-one of the act of Congress approved July 1, 1902, (32 Stat., 641), and

-2-

ratified by the citizens of the Choctaw and Chickasaw Nations  
September 25, 1902.

It is, therefore, the opinion of this Commission that Jim  
T. Boston should be identified as a Mississippi Choctaw, and it  
is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.  
MAR 12 1904



COPY.

PY.

M.C.R. 1146

Muskogee, Indian Territory, February 21, 1905.

Manfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1905, identifying Lizzie Boston and her minor children, Bennie Boston, Dora Boston and Lucy Johnson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat. 541).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Lizzie Boston and her children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
W. H. BIRBY

W. H. Birby,  
Chairman

Registered  
Enclosure G.H. 66

M.C.R. 1146

COPY

Muskegee, Indian Territory, March 11, 1903

Lizzie Boston,

Hero, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, and your minor children, Bennie Boston, Dora Boston, and Lucy Johnson as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

J. M. Bixby.

Chairman.

Registered.

Enc. 1146

W O R 1146

Muskogee, Indian Territory, March 23, 1903.

Lizzie Boston,

a/o Mingo In-pur-mubby,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing your affidavit and that of the midwife, Ann Spades, relative to the birth of your infant child, Jim T. Boston, May 4, 1902. The same have been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 3, 1903.

Lissie Boston,

Ardmore, Indian Territory.

Dear Madam:

On March 23, 1903, the Commission received your affidavit and the affidavit of the midwife, Ann Spades, relative to the birth of your infant child, Jim T. Boston. In your affidavit you allege that you are the lawful wife of George Washington, "who is a citizen by blood of the Mississippi Choctaw Nation."

Before the Commission can determine the identity of your child, Jim T. Boston, as a Mississippi Choctaw entitled to rights in the lands of the Choctaw-Chickasaw country, it will be necessary that you furnish the Commission with evidence of your marriage to George Washington; also as to the quantity of Choctaw blood possessed by him. Such evidence can be furnished by obtaining the affidavits of two disinterested parties. Please give this matter your prompt attention.

Respectfully,

Commissioner in Charge.

W.C.B.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 1146

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1903.

Lizzie Boston,  
Ardmore, Indian Territory.

Dear Madam:

On March 23, 1903, the Commission received your affidavit and the affidavit of the midwife, Ann Spades, relative to the birth of your infant child, Jim T. Boston. In your affidavit you allege that you are the lawful wife of George Washington, "who is a citizen by blood of the Mississippi Choctaw Nation."

Before the Commission can determine the identity of your child, Jim T. Boston, as a Mississippi Choctaw entitled to rights in the lands of the Choctaw-Chickasaw country, it will be necessary that you furnish the Commission with evidence of your marriage to George Washington; also as to the quantity of Choctaw blood possessed by him. Such evidence can be furnished by obtaining the affidavits of two disinterested parties. Please give this matter your prompt attention.

Respectfully,



Chairman.

M C R 1146

Muskogee, Indian Territory, July 2, 1903.

Lizzie Boston,  
Durwood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 1, 1903, in which you state that George Washington was your step-father instead of your husband as stated in the affidavits of yourself and Ann Spades as to the birth of your infant child, Jim T. Boston, on May 4, 1902.

The affidavits now in the possession of the Commission being in improper form, there is enclosed herewith a blank application for enrollment of infant children which you will please have properly executed and return to this office.

Respectfully,

Chairman.

B.C.  
Env.

Muskogee, Indian Territory, August 4, 1903.

Lizzie Boston,

Darwood, Indian Territory.

Dear Madam:

On March 23, 1903, the Commission received your affidavit and that of the midwife, Ann Spades, relative to the birth of your infant son, Jim T. Boston, May 4, 1902. In your affidavit you stated that you were the lawful wife of George Washington, and on April 30, 1903, the Commission addressed you a communication in which it was stated that before the identity of your child, Jim T. Boston, could be determined as a Mississippi Choctaw, it would be necessary that you furnish the Commission with evidence of your marriage to George Washington.

The Commission, on July 2, 1903, acknowledged receipt of your letter of June 1, 1903, in which you stated that George Washington was your step-father instead of your husband as stated in the affidavits of yourself and Ann Spades, and a blank application for the identification of your child was forwarded you on said date.

Receipt is now acknowledged of your affidavit and that of the midwife, Mary Shoemaker, relative to the birth of said Jim T.



L B 2

Boston, May 4, 1902; the name of the father of the child is not given; your affidavit does not appear to have been sworn to before a notary public, and there is only one witness to the signature of Mary Shoemaker which is by mark.

In order that proper application may be made for the identification of this child as a Mississippi Choctaw, another blank for proof of birth is herewith enclosed. In having the same executed be careful to see that all blanks are properly filled, all names written in full, and in the event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto.

The notary public before whom the affidavits are acknowledged must affix his notarial jurat and seal to each separate affidavit.

Respectfully,

Commissioner in Charge.

M.O.R.1146

COPY.

Muskogee, Indian Territory, March 16, 1904.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 12, 1904, identifying Jim T. Boston as a Mississippi Choctaw Indian, under the provisions of the act of Congress approved June 28, 1898, (30 Stat., 495).

You are hereby advised that you will be allowed fifteen days from the date of this notice in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Jim T. Boston as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.  
Enc.: MCR-1146.

See MCR 2059 for registry receipt for this letter.

M.O.R.1146

COPY.

Muskogee, Indian Territory, March 16, 1904.

Lizzie Boston,

Durwood, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 12, 1904, identifying your minor child, Jim T. Boston, as a Mississippi Choctaw Indian, under the provision of the act of Congress approved June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Respectfully,

(SIGNED)

C. D. Breckinridge.

Commissioner in Charge.

Registered.

Enc.: MOR-1146.

COPY.

Muskogee, Indian Territory, March 16, 1904.

J. G. Ralls,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 12, 1904, rendered its decision identifying Jim T. Boston as a Mississippi Choctaw Indian, under the provision of the act of Congress approved June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

No. 1146

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Lizzie Boston

Age 30. Blood full

Post Office, Here Hayrow, Mississippi

Father: Jim Lewis - ✓

Mother: Gallie Washington - ✓

Claims through both parents.

HUSBAND:

Wiley Johnson. ✓

(full blood Choctaw)

Children:

Bennie Boston 10

Nora " " 8.

FATHER: Lewis Boston - dead.

Lucy Johnson. 4 mo.

FATHER: Wiley Johnson - ✓

Stenographer:

Myra Young.

*Joe Patton*  
**IDENTIFIED**

DECISION RENDERED FEB 11 1903

DECISION FORWARDED  
FOR CHOCTAW AND  
CHICKASAW NATIONS. FEB 21 1903

**COPY OF DECISION FORWARDED  
APPLICANT**

MAR 11 1903

DECISION RENDERED MAR 12 1904

**IDENTIFIED** MAR 12 1904

**COPY OF DECISION FORWARDED  
APPLICANT MAR 16 1904**

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

MAR 16 1904

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS

MAR 16 1904

*No 5*

Choc MCR 1147 John U. McReynolds

see MCR 1240

MCR 1147



REFUSED.

John V M Reynolds et al

JAN 27 1896

11240

REFER TO M. C. R. 1240.

DECISION PREPARED

JUN 11 1897

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
HATTIESBURG, MISSISSIPPI, DECEMBER 19, 1900.

In the matter of the application for identification as  
Mississippi Choctaws of John V. McReynolds and his minor children.

John V. McReynolds, having been first duly sworn, on his  
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A John V. McReynolds.  
Q How old are you? A Thirty  
Q What is your post office address? A Fort Worth, Texas.  
Q Do you live in Texas? A Yes sir.  
Q How long have you lived there? A Twenty six years.  
Q Have you maintained a continuous residence in Texas for twenty six  
years? A Yes sir.  
Q Where did you live before that? A Mississippi.  
Q Born here? A Yes sir.  
Q Lived here until you moved to Texas twenty six years ago? A Yes sir  
Q What is your father's name? A Frank O McReynolds.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Clarissa J. McReynolds.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in  
Indian Territory? A No sir.  
Q Have you ever made application to the Choctaw tribal authorities in  
Indian Territory for citizenship in that Nation? A No sir.  
Q Did you or did any one in your behalf, in 1896, make application  
to the Commission to the Five Civilized Tribes for citizenship in  
the Choctaw Nation? A Not that I know of.  
Q You didn't yourself? A No sir.  
Q Did you authorize anybody to make application for you? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by the judgment of the United States Court in Indian Territory on  
appeal from the decision of the authorities of the Choctaw Nation  
or of this Commission? A No sir.  
Q Have you ever made any application of any description prior to this  
time, either to the Choctaw tribal authorities or the United  
States authorities for either citizenship or enrollment as a  
Choctaw? A No sir.  
Q This is your first application of any description? A Yes sir.  
Q You are now making application for identification as a Mississippi  
Choctaw? A Yes sir.  
Q Are you making your claim as a beneficiary under the 14th article  
of the treaty of 1830? A Yes sir  
Q What was the name of your ancestor who was a resident of the state  
of Mississippi and a recognized member of the Choctaw tribe of In-  
dians in 1830 at the time the treaty of Dancing Rabbit Creek was  
entered into between the United States and the Choctaw Indians?  
A The name of my ancestor who living there at that time  
Q Yes. That was living there at that time? A Clarissa Leech.  
Q Have you any evidence showing that she was a recognized member of  
the Choctaw tribe of Indians at that time? A None, any more than wi-  
tesses that knew her at the time, knew that she was a Choctaw  
is all.  
Q Was she recognized as such by the Choctaws? A Yes sir, I understood  
she was.  
Q Did she remove from Mississippi to the Indian Territory when the  
remainder of the Choctaw tribe removed there? A No sir.

- Q If she was recognized by the United States Government and the Choctaw Nation in 1830, did she, within six months after the ratification of the treaty signify to the United States Indian Agent of the Choctaw Indians, her intention to remain in Mississippi and become a citizen of the United States? A I don't know whether she did or not.
- Q Did she ever receive or claim any lands in Mississippi as a beneficiary under the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Did she die in Mississippi? A Yes sir.
- Q Always lived there? A Yes sir.
- Q Your parents lived and died here? A I don't know, they lived there
- Q I don't mean died; your parents are living? A They are living.
- Q Both of them were born in Mississippi? A Yes sir.
- Q When did they leave here? A In '74.
- Q They had always lived in Mississippi up to that time? A Yes sir.
- Q Are you making any claim under any other treaty stipulation beside this fourteenth article of the treaty of 1830? A why I don't know that I am.
- Q The Commission is only empowered to hear applicants who claim under the fourteenth article of the treaty of 1830? A That is what I thought.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Sallie McReynolds.
- Q Is she a white woman? A Yes sir.
- Q You are not making any claim for her? A No sir.
- Q Where did you marry her? A At Denton, Texas.
- Q When? A In '95.
- Q Have you your marriage license and certificate? A Yes sir.
- Q Have them with you? A Yes sir.
- There is offered in evidence and made a part of the record in this case the marriage license and certificate of J. V. McReynolds and Miss Sallie Harris.
- Q Have you any children? A Two.
- Q You want to make application for them? A Yes sir.
- Q What are their names and ages? A Lloyd McReynolds.
- Q How old? A Four.
- Q All right, sir, the next one? A Orton McReynolds.
- Q How old? A Two.
- Q Is that all? A That is all.
- Q You are the father of both of these children? A Yes sir.
- Q Sallie McReynolds is their mother? A Yes sir.
- Q These children live with you at your home? A Yes sir.
- Q Is there any additional statement that you desire to make in support of this application? A No sir, there is none I suppose.
- Q Have you any written evidence that you desire to submit to the Commission in support of this application?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this application, within thirty days from this date.

Examination by Mr. Hudson.

- Q You say that your grandmother was a resident of Mississippi in 1830, and that her name was Clarissa Leech? A Yes sir.
- Q Who was she before she was married? A Clarissa LeFlore.
- Q Tell me, if you knew, how she was related to Greenwood LeFlore, a recognized Choctaw Indian? A Brother.
- Q Greenwood LeFlore was her brother? A Yes sir.

The decision of the Commission as to your application and the application you make on behalf of your two minor children for identification as Mississippi Choctaws will be mailed to you in writing to your present post office address.  
(Applicant is to all appearance white)

3

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause, on said date.

*Anna Bell*

Subscribed and sworn to before me this 20<sup>th</sup> day of December, 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOCA, INDIAN TERRITORY, JANUARY 9, 1901.

In the matter of the application for identification of  
John V. McReynolds and his minor children as Mississippi Choctaws.

Mrs. Clarissa J. McReynolds, having been called and sworn  
as a witness in this cause, testifies as follows on behalf of the  
applicant.

Examination by Mr. Hudson.

- Q Mrs. McReynolds, have you a son, John V. McReynolds? A Yes sir.  
Q He is your oldest son is he? A Yes sir, he is my oldest son.  
Q Please state, in support of his claim, the maiden name of your  
grandmother? A Clarissa Leflore.  
Q And to whom was she first married? A Married to Wilson.  
Q And upon his decease whom did she marry? A She married Alfred  
Leech.  
Q And Alfred Leech, and Clarissa his wife, were your grandfather and  
grandmother? A Yes sir.  
Q And the great grandmother and father of John V. McReynolds?  
A Yes sir.  
Q You may state what you know or have heard as to Clarissa Wilson's  
receiving land in Mississippi as a beneficiary under article  
fourteen of the treaty of 1830? A I have heard that my grandmother  
got land in Winston County, Mississippi.  
Q And she secured that land, as you understand, when her name was  
Clarissa Wilson? A Clarissa Wilson.  
Q And where was that land? A On the old Robison road.  
Q And what County? A Winston County.

G. W. Blair, having been called and sworn as a witness in  
the above case, testifies as follows on behalf of the applicant:

Examination by Mr. Hudson.

- Q Are you acquainted with John V. McReynolds? A Yes sir.  
Q You may state, if you know, how he is related to Mrs. Clarissa  
McReynolds? A Son, her oldest son.  
Q And how long have you known him? A Since he was a baby.

Witness excused.

Anna Bell, having been first duly sworn, on her oath states  
that as stenographer to the Commission to the Five Civilized Tribes  
she reported in full the testimony of the two witnesses in the above  
cause on January 9, 1901, and that the above and foregoing is a full  
true and correct transcript of her stenographic notes in said cause  
on said date.

*Anna Bell*

Subscribed and sworn to before me this 15<sup>th</sup> day of January, 1901.

*Charles H. Sawyer*  
Notary Public.

*Charles H. Sawyer*

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 ATOKA, INDIAN TERRITORY, JANUARY 22, 1901.

In the matter of the application for identification as Mississippi Choctaws of John V. McReynolds and his minor children. John V. McReynolds, being recalled and sworn, testifies as follows in his own behalf:

Examination by L. P. Hudson.

- Q You are the same John V. McReynolds who appeared before the Commission to the Five Civilized Tribes at Hattiesburg, Mississippi, are you not? A Yes sir.
- Q When you were before the Commission and gave your testimony at Hattiesburg, you stated that your great grandmother was Clarissa Leech, and formerly Clarissa Leflore; that is, her maiden name was Clarissa Leflore was it not? A Yes sir.
- Q I will ask you whether or not Clarissa Leflore's first husband was named Leech? A No sir.
- Q She was married prior to her marriage to your great grandfather Leech? A Yes sir.
- Q To whom was she first married? A Wilson.
- Q Then her first married name was Clarissa Wilson? A Yes sir.
- Q Can you tell about when she was married to your great grandfather Leech? A About 1833 I think it was.
- Q Then at the time of the making of the treaty between the United States and the Choctaw Nation, known as the treaty of 1830, known as the Dancing Rabbit Creek treaty, your great grandmother's name was Clarissa Wilson? A Yes sir.
- Q Since appearing before the Commission at Hattiesburg, have you learned whether or not your great grandmother complied with the provisions of that treaty, as to announcing her intention to the United States Indian Agent of remaining in Mississippi? A Yes sir, I understood that she did secure land.
- Q As Clarissa Wilson? A As Clarissa Wilson, yes sir.
- Q Have you learned where that is located? A Yes sir, I understood they were in Winston County and on the old Robertson road or stage route.

Witness excused.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on January 22, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 25 day of January, 1901.

*Charles McSawyer*  
 Notary Public.

Muskogee, Indian Territory, January 6, 1901.

Messrs Hudson & Arnold,

Ardmore, Indian Territory,

Gentlemen:

Your letter of January 3rd, inclosing affidavits of Mary Gardner, which you ask to have filed in the case of J. V. McReynolds' application for identification as a Mississippi Choctaw, is received. The papers, being in proper form, have been duly filed with the other records in this case.

Yours truly,

Acting Chairman.

AB



Miss. Choctaw 1147

Muskogee, Indian Territory, November 14, 1902

J. V. McReynolds,  
Kanis, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 12, inclosing evidence of the birth of Ethel Bernice McReynolds, infant daughter of J. V. and S. A. McReynolds, born August 27, 1901, and the affidavits of the mother and the physician at the birth of the child have been accepted as evidence of its birth and filed with and made a part of your application for the identification of yourself and your minor children as Mississippi Choctaws.

Respectfully,

Acting Chairman.

*Sub*

M.C.R. 1147

Muskogee, Indian Territory, January 26, 1903.

John V. McReynolds,  
Fort Worth, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., in which you ask "whether or not the Mississippi Choctaws will be notified of their acceptance or rejection before the allotment of land takes place; also, when will the allotment begin."

Replying to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws.

The Commission has not up to the present time reached any opinion or decision relative to your rights as Mississippi Choctaws, but is now considering your application and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

No date has yet been fixed for the opening of the land offices in the Choctaw and Chickasaw Nations, but it is anticipated that such offices will be established between March 1, and April 1, 1903.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 1147

Muskogee, Indian Territory, January 27, 1903.

John V. McReynolds,  
Ennis, Texas.

Dear Sir:

You are hereby advised that on the 27th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Penninnah Ball, et al., embracing the following applications for identification as Mississippi Choctaws:

Penninnah Ball,	M.C.R. 27
Clarissa J. McReynolds, et al.,	M.C.R. 1240
John V. McReynolds, et al.,	M.C.R. 1147
Mary P. McKnight,	M.C.R. 1241
Stephen L. McReynolds,	M.C.R. 1242
Willie E. Hill,	M.C.R. 1243
Emily Black, et al.,	M.C.R. 1643
Mary Boswell, et al.,	M.C.R. 1648
Everette E. Boswell,	M.C.R. 1650
Martha E. Sharp, et al.,	M.C.R. 1526
Frances E. Ray, et al.,	M.C.R. 3510
Lemora A. Ray, et al.,	M.C.D. 28
John W. Ray,	M.C.R. 3511.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Penninnah Ball, Clarissa J. McReynolds, Edna J. McReynolds, Ida McReynolds, Grace McReynolds, Clara McReynolds, Winnie McReynolds, John V. McReynolds, Lloyd McReynolds, Orten McReynolds, Ethel Bernice McReynolds, Mary P. McKnight, Stephen L. McReynolds, Willie E. Hill, Emily Black, Clarence Milton Black, Penninnah Narcissus Black, Vera Ella Irene Black, John Winston Black, William Lee Black, Mary Edna Black, Charlie Swinton Black, Mary Beswell, Mamie Beswell, Everette E. Beswell, Martha E. Sharp, Marion L. Sharp, Cleveland E. Sharp, Willie V. Sharp, Minnie M. Sharp, Penninnah J. Sharp, John E. Sharp, Lena P. Sharp, Hazel Adell Sharp, Frances E. Ray, Emmett E. Ray, Alma E. Ray, Lenora A. Ray, Emily Ray, Theo Ray, Estell Ray, Mary B. Ray, William L. Ray and John W. Ray as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James D. Smith*

Registered.

Acting Chairman.

Muskogee, Indian Territory, February 11, 1903.

John V. McReynolds,

Paris, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask "if there is any additional evidence desired and of what nature. Does it require any certain amount of Indian blood."

In reply to your letter you are informed that the fifteen days from January 27, 1903, heretofore granted you within which to file arguments in support of your claim to be transmitted to the Secretary of the Interior, expires this date, February 11, 1903. On February 12, 1903, the record in your case, together with the decision of the Commission, will be forwarded to the Secretary of the Interior.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and that such ancestors complied or attempted to

J. V. McR--2

comply with the provisions of the fourteenth article of the Choctaw treaty of 1830. No evidence of such compliance on the part of the ancestors through whom you claim your right to identification as a Mississippi Choctaw has been submitted in support of your claim.

Respectfully,

---

Acting Chairman.

Muskogee, Indian Territory, February 19, 1903.

John V. McReynolds,  
Minis, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask if there is any additional evidence desired and of what nature, and "does it require any certain amount of Indian blood?"

In reply to your letter you are informed that the fifteen days from January 27, 1903, heretofore granted you within which to submit arguments in support of your claim to be forwarded to the Secretary of the Interior, expired February 11, 1903. On February 12, 1903, the report in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Relative to the quantum of Indian blood necessary to be possessed by applicants for identification as Mississippi Choctaws, your attention is invited to section 41 of the act of Congress approved July 1, 1902, which was ratified by the citizens of the



J. V. McR. 2

Choctaw and Chickasaw Nations September 25, 1902, a copy of which  
is herewith enclosed.

Respectfully,

Acting Chairman.

W. H. C. C.  
Bureau

N.O.R.1147.

COPY.

Muskogee, Indian Territory, October 7, 1903.

John V. McReynolds,  
Kinnis, Texas.

Dear Sir:

You are hereby notified that on the 19th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Penninnah Ball, et al., of which decision you were advised by registered mail on the 27th, day of January, 1903.

Respectfully,

(SIGNET)

*Tamr Bixby.*  
Chairman.

No. 1147

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name John V. Mc. Reynolds.

Age 30 Blood 1/8

Post Office Ft. Worth, Texas.

Father: Frank O. Mc. Reynolds - ✓

Mother: Clarissa J. Mc. Reynolds - ✓

Claims through no other

WIFE: Fannie Mc. Reynolds.

(No claim for wife).

Children:

Lloyd Mc. Reynolds 4

Orton " " 2.

Stenographer:

Anna Bell.

Choc MCR 1148 John M. Cummings

see MCR 924

MCR 1148



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

R. 11

*John M. Cummings*

REFUSED

DECISION RENDERED. MAY 19 1902

NOTICE OF DECISION MADE

MAY 22 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT

MAY 22 1902

NOTICE OF DECISION MADE  
FOR CHOCTAW AND CHICKASAW NATIONS

MAY 22 1902

RECORD FORWARDED DEPARTMENT

MAY 22 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

JUN 25 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

JUN 25 1902

924

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. December 19th, 1900.

In the matter of the application of John M. Cummings for the identification of himself and his seven minor children as Mississippi Choctaws.

The said JOHN M. CUMMINGS, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A John M. Cummings.  
Q What is your age? A Forty-two.  
Q What is your post office address? A Waben, Mississippi.  
Q Do you live in Waben? A Yes, sir.  
Q How long have you lived in Mississippi? A I have lived here all my life.  
Q Born in Mississippi? A Yes, sir.  
Q What is your father's name? A Jesse Cummings.  
Q Is he living? A No, sir; he is dead.  
Q Was he a Choctaw Indian? A No, sir.  
Q A white man was he? A Yes, sir.  
Q What was your mother's name? A My mother's name was Martha Cummings.  
Q Is she living? A No, sir; she is dead.  
Q Was she a Choctaw Indian? A She was of Mississippi Choctaw blood.  
Q How much Choctaw blood did she have? A One-fourth.  
Q You claim your Indian blood through your mother, then?  
A Yes, sir.  
Q How much Choctaw Indian blood do you claim to have? A One-eighth.  
Q Was your mother's father or your mother's mother an Indian?  
A My mother's mother.  
Q What was her name? A Nancy Leverett.  
Q When did Nancy Leverett die? A She died about fifteen years ago.  
Q What was her age at that time? A I suppose she was somewhere about eight or eighty-five.  
Q She was a full blood, was she? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for citizenship as a Choctaw Indian?  
A No, sir.  
Q Did you, or did any one in your behalf in 1896, make application to this Commission for citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10th, 1896?  
A No, sir.  
Q Have you ever previous to this time made any application to either the tribal authorities of the Choctaw Nation or to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A I have not.  
Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under the 14th article of the treaty of 1830? A Yes, sir.  
Q What was the name of your ancestor who lived in Mississippi in 1830? A I couldn't tell you.  
Q Well, did Nancy Leverett live in Mississippi in 1830? A Well, she lived here at that time.  
Q She was one of your ancestors, wasn't she? A Yes, sir.

John M. Cummings et al-----2.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A That is my understanding.

Q Have you any evidence showing that to be a fact? A I have none.

Q Did she remain in Mississippi after the conclusion of the treaty of 1830 or did she remove to the Indian Territory with the members of the tribe? A She remained here.

Q Did she signify to the United States Indian Agent of the Choctaw Indians in Mississippi her intention to remain and become a citizen of the United States? A I don't know.

Q Did she or any other of your ancestors ever claim or receive any land in Mississippi? A As Indian lands?

Q Yes, sir. A No, sir.

Q Are you married? A Yes, sir.

Q Are you making any claim in behalf of your wife? A If she is entitled to it under the law.

MR. L. P. HUDSON: (Counsel for the applicant) Is she a white woman? A Yes, sir.

MR. HUDSON: (Counsel for applicant) It is no use to make any then.

THE APPLICANT: I am not making any.

Q Have you any children under twenty-one years of age? A Yes, sir.

Q What is your wife's name? A Plummie Cummings.

Q Just give us the names of your children, and their ages, please.

A The oldest one is named John Laflora Cummings, sixteen years old.

Q Well, go on. A The next one is named Thomas Homer Cummings, he is fourteen. The next one is named Martha Ada Cummings, she is a girl. She is twelve years old. The next one is named Rosebud, and she is ten years old. The next one is named Ida, eight years old. The next one is named Lloyd Allen Cummings.

Q How old? A He is four.

Q The next one? A The next one is named Wirt Johnston Cummings eighteen months old.

Q Do these children live with you at your home? A Yes, sir.

Q Is there any additional statement you desire to make at this time in support of this application? A I don't believe there is.

Q Have you any documentary evidence you desire to submit to the Commission at this time?

MR. L. P. HUDSON: (Counsel for applicant) Here attorney for applicant asks leave to file written evidence in the form of affidavits and certified copies of affidavits already on file with this Commission at Muskogee, I.T., in support of this claim within thirty days from this date.

MR. RIXBY: (Acting Chairman of Commission) Upon a careful consideration of the testimony offered in support of this application the Commission will render its decision, and a copy of the same will be mailed to you at your present post office address.

-----o-----

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the matter of this application at the time and place above mentioned, and that the foregoing is a true, correct and complete transcript of his stenographic



notes thereof.

*M. S. Wellshear*

Subscribed and sworn to before me this 21st day of December  
A. D. 1900.

*[Signature]*

Acting Chairman.

Muskogee, Indian Territory, January 21, 1901.

Messrs Hudson & Arnold,

Ardenmore, Indian Territory,

Gentlemen:

The Commission is in receipt of your letter of January 15, inclosing marriage license between J. M. Cummings and Miss Plennie Roberts, to be filed in support of the application of John M. Cummings for identification as a Mississippi Choctaw. The same has been placed on file with the other records in the case.

Yours truly,

AB

Acting Chairman.

H.C.1148

COPY.

M.C.R. 1146.

Muskogee, Indian Territory, May 22, 1902.

John H. Cummings,  
Waben, Mississippi.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Cummings, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Cummings, et al.,	M.C.R. 924
Maria Hodges, et al.,	M.C.R. 342.
Walter Hodges, et al.,	M.C.R. 343
Robert H. Cummings, et al.,	M.C.R. 350
Lula Ormsby, et al.,	M.C.R. 352
Gussie P. Roberts, et al.,	M.C.R. 354
Jonnie Etta Walker, et al.,	M.C.R. 356
Charles A. Cummings,	M.C.R. 928
John H. Cummings, et al.,	M.C.R. 1146
Ida Blanche Nickels, et al.,	M.C.R. 987.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William

COPY.

M. Cummings, Leona Virginia Cummings, Marshall Cummings, Maria Hodges, Connie Hodges, William Hodges, Jesse Hodges, Rexie Hodges, Emma Hodges, Floyd Hodges, Walter Hodges, Robert B. Cummings, Jessie B. Cummings, Robert L. Cummings, William H. Cummings, John J. Cummings, Thomas W. Cummings, Allie M. Cummings, Lula Ormsby, Gussie F. Roberts, Jonnie Etta Walker, Charles A. Cummings, Una Walker, John W. Cummings, John Laflere Cummings, Thomas Homer Cummings, Martha Ada Cummings, Rosebud Cummings, Ida Cummings, Lloyd Allen Cummings, Wirt Johnston Cummings, Ida Blanche Nickels, Nathaniel Gray Nickels, Nellie G. Nickels, and Penelepe B. Nickels as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Maria Hodges for the identification of her husband, William H. Hodges, and the application made by Walter Hodges for the identification of his wife, Fanny Hodges, and the application made by Robert B. Cummings, for the identification of his wife, Mary E. Cummings, and the application made by Lula Ormsby for the identification of her husband, William Ormsby, and the application made by Gussie F. Roberts, for the identification of her husband, Flavious Roberts, and the application made by Jonnie Etta Walker, for the identification of her husband, Berry Walker, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James E. [unclear]

Acting Chairman.

Registered.

COPY.

M.C.R. 1143

Waukegon, Indian Territory, July 24, 1902.

John M. Cummings,  
Nabon, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William M. Cummings, et al., of which decision you were advised by registered mail on the 8th day of May, 1902.

Yours truly,

(SIGNED)

*I. B. Nesbitt*

Commissioner in Charge.

Date

DEC 19 1900

Name

John M. Cummings

Age

42

Blood  $\frac{1}{8}$

Post Office,

Madison Mississippi

Father:

John Cummings Dead

Mother:

Martha Cummings Dead

Claims through Mother

wife

Katherine Cummings

Children:

John L. Loflore Cummings

16 years

Thomas Homer

14 "

Martha Ada

12 "

Rosebud

10 "

Ida

8 "

Lloyd Allen

4 "

Wirt Johnston

18 mo;

Kelishar

Choc MCR 1149 Fannie Kelly

MCR 1149



SS.-CHOCTAW  
NROLLMENT

R. 1149

Fannie Kelly ET AL

IDENTIFIED

Decision rendered Jul 21, 1903

Copy of decision foriered  
Attorney for Choctaw and Chickasaw Nations  
Jul 21, 1903

Copy of decision forwarded applicant.  
Jul 21, 1903.

R- 1149

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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The record herein is in the matter of the application  
of Fannie Kelly, et al., for identification as Miss-  
issippi Choctaws -----M.C. R. 1149

-----oOo-----

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Fannie Kelly,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1149

-----  
----- I N D E X -----  
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Original application of Fannie Kelly, et al., to the  
Dawes Commission for identification as Mississippi Choctaws

Page

1

Decision of the Commission identifying the applicants  
in the application of Fannie Kelly, et al.,

4

721149

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. Dec. 19th, 1900.

In the matter of the application of Fannie Kelly for the identification of herself and her four minor children as Mississippi Choctaws.

Q What is your name? A Fannie Kelly.  
Q How old are you? A I don't know. I have been grown ever since the war time come.  
Q Were you a full grown woman when the war broke out, or were you a little girl? A I was a little girl.  
Q You remember the time the war commenced, do you? A Yes, sir.  
Q What is your post office address? Do you get any letters? A Yes, sir.  
Q Where do you get letters? A Enterprise Mississippi.  
Q How long have you lived in Mississippi? Oh, I been raised right here.  
Q Born in Mississippi and lived here all your life? A Yes, sir.  
Q What is your father's name? A Him name is Jim.  
Q Is he living? A No, sir; him dead.  
Q How old a man was he when he died? A Why about ten years when my pa died.  
Q Was he an old man when he died? A No, sir.  
Q Was he a full blood Choctaw? A Yes, sir.  
Q Do you know his father's name? A Yes, him name Jim too.  
Q Did the old man Jim have any Indian name? A I don't know.  
Q Do you know whether your father had any Indian name? A Yes, sir; I know.  
Q What was that? A Call him Tahyah.  
Q Tahyah? A Yes, Tahyah.  
Q What is your mother's name? A Her name Liza.  
Q Liza? A Yes, sir. Old woman.  
Q Very old woman? A Yes, sir.  
Q Is she a full blood Choctaw? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes, sir.  
Q It is? A Yes.  
Q Have you ever been in the Indian Territory? A No, sir; I want go there now.  
Q I know, but you have never been there? A No, sir.  
Q Did you ever send your name over there? A No, sir.  
Q You never got any money from the Indian Territory, did you? A No, sir.  
Q Did you ever try to get your name on the Choctaw tribal rolls in the Indian Territory? A No, sir.  
Q Did you apply to the Dawes Commission four years ago, in 1896, for citizenship in the Choctaw Nation? A I did not, no, sir.  
Q You didn't send any papers to anybody over in the Indian Territory, did you? A No, sir.  
Q Is this the first time you have ever applied for citizenship in the Choctaw Nation to the authorities of the United States? A Yes, sir.  
Q You didn't go two years ago up farther north? A No, sir; I never been up there.  
Q You never been there? A No.  
Q You now want to apply for identification as a Mississippi Choctaw, do you not? You want to be a Mississippi Choctaw, don't you? A Yes, sir.  
Q And get land over in the Indian Territory? A Yes, sir.

Fannie Kelly et al-----2.

Q Are you claiming under the provisions of the 14th article of the treaty of 1830? A Yes, sir.

Q Did old man Jim or Tahyah or Liza live in Mississippi in 1830?--when the treaty of Dancing Rabbit Creek was made? A Yes, sir.

Q Were old man Jim and Tahyah and Liza members of the Choctaw Tribe of Indians? A Oh yes.

Q Did old man Jim and Tahyah and Liza remain in Mississippi after the treaty of Dancing Rabbit Creek was made? Did they stay here in Mississippi? A Yes, sir.

Q They didn't go over to the Indian Territory after that treaty? A No, sir.

Q None of them have been over there, have they? A No, sir.

Q Do you know whether either old man Jim or Tahyah or Liza told the United States Indian Agent, Co. Ward I think his name was, of their intention to remain in Mississippi and become citizens of the United States? A I don't know.

Q Did any of these people, old man Lewis, Tahyah or Liza ever claim or receive any land in Mississippi? Did they ever get any land from the United States? A No, sir.

Q You haven't got any land, have you? A No, sir.

Q Did any of your relations, your kin, your father or mother or grandparents, ever get any land from the government in Mississippi? Did you ever hear about them having any land, the old people?

A Yes, I heard about that.

Q Do you know how much they had? A No, sir.

Q Did you ever see any papers in regard to the land? A No, sir.

Q Are you married? A Yes, sir.

Q Where is your husband? A He is dead.

✓ Q What was your husband's name? A Thompson Kelly.

Q Have you any children under twenty-one years of age? A Yes, sir; I have got three or four.

Q What are their names and ages? A What is the name of the oldest one? A My oldest child is a boy.

Q What is the name of that oldest child under twenty-one and unmarried? A I have got two married.

Q It is about three unmarried that I want to know.

A There is one about seven years old, and one small and one ten years old.

Q What is the name of the one ten years old? A Mattie, and then I have a daughter named Georgia, twenty years old.

Q Georgia Kelly? A Yes, sir.

Q What is the name of the child seven years old? A Frank.

Q What is the name of the little one? A Her name Lela.

Q Her name is Lela. How old is Lela? A Her about six year old.

Q Do these children live with you at your home? A Yes, live with me.

Q Can you think of anything else you would like to say to us now? A Yes, sir.

Q What would you like to tell us, if you know anything you would like to tell us. A No.

Q Have you any papers you would like to leave with the Commission in regard to your case? A No.

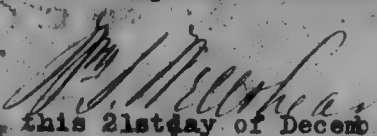
MR. BIXBY: (Acting Chairman of Commission) Upon a careful consideration of the testimony in this case the Commission will render its decision, a copy of which will be forwarded to you at your present post office address.

-----o----- 2

Wm. S. Wellshear, being sworn, upon his oath states that as

Fannie Kelly et al---3.

stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

  
Subscribed and sworn to before me this 21st day of December  
A. D. 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Fannie Kelly,  
et al., for identification as Mississippi Choctaws,

M.C.R. 1149

-----D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 19, 1900, by Fannie Kelly for herself and her four minor children, Georgia, Mattie, Frank and Lela Kelly, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw



tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Fannie Kelly, Georgia Kelly, Mattie Kelly, Frank Kelly and Lela Kelly should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

JUL 21 1903

5.   
COMMISSIONER

COPY,

M.C.R. 1149

Muskogee, Indian Territory, July 21, 1903.

Fannie Kelly,

Ardmore, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying yourself and your minor children, Georgia Kelly, Mattie Kelly, Frank Kelly and Lela Kelly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 21, 1904, you will have six months from that date or until July 21, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*T.B. Needles.*

Commissioner in Charge.

Registered.

Enc. 1149.

M.C.R. 1149

COPY

Muskogee, Indian Territory, July 21, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying Fannie Kelly and her minor children, Georgia Kelly, Mattie Kelly, Frank Kelly and Lela Kelly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Fannie Kelly and her children as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
SIGNED

*T. B. Needles.*

Commissioner in Charge.

Registered.  
Enc. 1149.

# CHOCTAW NATION.

OFFICE	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT	
				Year	County	No.	NAME OF FATHER	Year
								County

REFER TO M. C. R. 1149

*Johnny Kelly et al*

*Consolidated Co*

Jim, full.

Jim  
Indian name Tahyah  
full  
wife  
Liza  
full

1849

Fannie Kelly, full,  
husband  
Thompson Kelly, full,  
Died

1851

Joe Kelly, full  
wife  
Lizzie Kelly, full  
Daughter  
Sam Thomas, full,  
wife  
Nannie Thomas, full,

1859

Georgia Kelly 30  
+ Mattie Kelly 10  
" Frank Kelly 7  
" Lela Kelly 6

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AVESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 1149

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 6, 1903.

William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

In the above numbered Mississippi Choctaw application a decision has been prepared identifying the applicants as full blood Mississippi Choctaws and was transmitted to the Commissioners for their signatures and by them returned to this department for the reason that it appears that the ancestors of the applicants were 14th article beneficiaries, and with the suggestion that a decision be prepared identifying the applicants, not as full blood Mississippi Choctaws, but as descendants of such 14th article beneficiaries.

While it is true that names similar to the ones given by the applicants as their ancestors appear of record as beneficiaries under article 14 of the treaty of "Dancing Rabbit Creek", there is little or no proof submitted showing that the ancestors through whom the applicants claim are the identical persons mentioned in such records, and in order to prepare a logical decision identifying the applicants as descendants of 14th article beneficiaries, it would be necessary to secure evidence which would conclusively prove that said applicants are descendants of such 14th article beneficiaries.

This evidence it would doubtless be impossible to secure

from the applicants themselves as it appears from the transcript of the record made at the time the applicants gave their testimony before the Commission, that a thorough examination was made as to their knowledge of their ancestry and there is no reason to believe that since said examination was made, the applicants have secured any additional information.

It would therefore seem that the only means of securing such evidence would be to obtain from the Department of the Interior such records as may be in their possession relative to the adjudication of the claims, before the Commissions of 1837 and 1842, of the persons bearing similar names to those borne by the ancestors of these applicants, and it might be that said records would, in a manner, corroborate the applicants as to their ancestry.

The decision heretofore prepared, together with the record in this application, is therefore returned to the files for such action as may be deemed necessary in regard to the securing of the additional evidence referred to.

Respectfully,

*Charon W. W. f*



Amesbury, I. T. April 14, 1903.

To the Commission to the Five Civilized Tribes,

Washkoga, Indian Territory.

You will please deliver to J. G. Hallis, of Atoka,  
Indian Territory, any copies of the records in my case, that  
under the rule of law the Commission may have sent to attorneys  
as I have employed him to assist in this case.

*Law*  
James J. Hallis  
*mak*

M C R 2149

Muskogee, Indian Territory, May 9, 1903.

Fannie Kelly,  
 Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask if you have been identified as a Mississippi Choctaw, and state that your post office address is now Ardmore, I. T.

In reply to your letter you are informed that it appears from our records that you made application to this Commission for the identification of yourself and children as Mississippi Choctaws. Up to and present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be duly advised of the action of the Commission.

A proper record has been made of the change of your post office address.

Respectfully,

Chairman.

COPY.

M.C.R. 1149

Muskogee, Indian Territory, July 21, 1903.

Pannie Kelly,

Ardmore, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying yourself and your minor children, Georgia Kelly, Mattie Kelly, Frank Kelly and Lela Kelly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 21, 1904, you will have six months from that date or until July 21, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 1149.

*R*

COPY

Muskogee, Indian Territory, July 21, 1903.

Manafield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying Fannie Kelly and her minor children, Georgia Kelly, Mattie Kelly, Frank Kelly and Lela Kelly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Fannie Kelly and her children as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T.B. Needles.*

Commissioner in Charge.

Registered.  
Enc. 1149.

M C R 1149

Muskogee, Indian Territory, August 4, 1903.

Fanny Kelly,

Post Office Box No. 317,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask if you have been identified as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on July 21, 1903, the Commission rendered its decision identifying you and your minor children as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action you were duly advised on that date.

Respectfully,

Commissioner in Charge.

No. 1149

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Fanny Kelly

Age about 45 Blood Fullblood

Post Office, Enterprise Mississippi

Father: Jim Dead

Mother: Liza

Claims through Both Parents

Husband Thompson Kelly Dead

Children:

Georgia

20 years

Mattie

10 years

Frank

7 "

Lela

6 "

Wellshear



*Amie Kelly et al*

IDENTIFIED

DECISION RENDERED

JUL 21 1903

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

JUL 21 1903

COPY OF DECISION FORWARDED APPLICANT

JUL 21 1903



Choc mcr 1150 Emma Tedder

see mcr 711

mcr 1150

ON AS  
A MISSISSIPPI CHOCTAW, # 11

*Emma Jadder*

REFUSED.

DECISION RENDERED. MAR 3- 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

NOTICE OF DECISION,  
FORWARDED ATTORNEY  
FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 30 1902

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAY 9 1902

REFER TO M. C. R. 711

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 19, 1900.

In the matter of the application for identification as Mississippi Choctaws of Emma Tedder and her four minor children. Emma Tedder being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Emma Tedder.
- Q How old are you? A Thirty three years old this coming January.
- Q What is your post-office address? A Eupora, Mississippi.
- Q Do you live in Mississippi? A Yes sir.
- Q How long have you lived here? A All my life.
- Q Born here? A Yes sir.
- Q What is your father's name? A Jack Cox/
- Q Is he living? A Yes sir.
- Q What is your mother's name? A Mary Cox.
- Q Is she living? A No sir.
- Q Through which one of your parents do you claim your Choctaw blood? A Cox, my father.
- Q How much Choctaw blood do you claim? A He claims one quarter.
- Q How much do you claim? A One eighth.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you any reason to believe that it is? You never lived in the Indian Territory, did you? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities? A No sir.
- Q Have you ever been recognized by the Choctaw tribal authorities in the Indian Territory as a Choctaw Indian? A Not that I know of.
- Q Did you or did anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation in the Indian Territory by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.
- Q Have you ever prior to this time made application either to the Choctaw authorities or to the authorities of the United States for either citizenship or enrollment as a Choctaw? A No sir.
- Q This is the first application you have ever made of any description? A Yes sir.
- Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.
- Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A Because my father was Indian.
- Q Did he ever derive any benefits from his Indian citizenship? A No sir.
- Q How do you know he was a Choctaw Indian? A I have always been taught that.

Kama Tedder 2

Q Who taught you? A My father.

Q How did he know it? A It just went from one generation to another.

Q Was he ever recognized by the Choctaw tribe? A He went before the Commission in the Indian Territory last September.

Q This present year? A Yes sir.

Q At Muskogee? A Yes sir.

Q Does he live in the Indian Territory now? A No sir, he is back in Mississippi but he went there in June.

Q You are claiming as a beneficiary under the fourteenth article of the treaty of 1830? A Yes sir.

Q You know what that article of that treaty is, you have read it? A Yes sir.

Q Understand what it is do you? A They sent me a copy. I don't know whether I understand it or not.

Q You have read it? A Yes sir.

Q What was the name of your ancestor who lived in Mississippi in 1830 and who was a recognized member of the Choctaw tribe at the time the treaty of Dancing Rabbit Creek was entered into in 1830? A My grand father.

Q What was his name? A Daniel Cox.

Q Was he a Choctaw Indian? A Yes sir.

Q Have you any evidence of that fact? A No sir.

Q How do you know he was a Choctaw? A I don't know. I reckon he knew. He was here at that time and we have been taught that by our fathers and fore fathers. Of course we can't go back and prove that we was.

Q What is exactly what you will have to do? A Well, we have always been taught that.

Q We want absolute proof that your ancestor through whom you claim this right to identification, was a Choctaw Indian in Mississippi in 1830. A They were carried away from here then.

Q Did your grand father move from Mississippi to the Indian Territory? A No sir he always lived here.

Q What evidence have you that he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A ~~Edwards~~ None only my father.

Q Did Daniel Cox, if a recognized member of the Choctaw tribe of Indians in 1830 signify to the United States Indian Agent of the Choctaw Indians within six months after the conclusion of the treaty of Dancing Rabbit Creek his intention to remain and become a citizen of the United States? A Yes sir.

Q Have you any evidence of that fact? How do you know that he did that? A Well, I don't know. All I knew is just what my father told me.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir, not that I know of.

Q Do you make any claim under any other treaty stipulation between the United States and the Choctaw Indians? A No sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Alex Tedder.

Q Is he a white man? A Yes sir.

Q Not making any claim for him are you? A I didn't know whether I would be allowed to make any for him or not.

Q If you made a claim for him what would you claim him to be?

A Claim to be a white man.

Q Is he a descendant of a Mississippi Choctaw Indian? A No sir.

Q What kind of a claim would you make for him? A I don't know as I will make any claim for him.

Q Are you making any claim for him? A I don't know what to make.

Q Well do you make any claim for him? A No sir.

Q Have you any children? A Yes sir, four.

Q Want to make application for your four children? A Yes sir

Emma Tedder 3

Q What are the names and ages of your children? A Reuben five years old last July.

Q All right, the next one? A Cora, four years old this coming February.

Q The next one? A Charley, two years old this next September

Q The next one? A Floyd, six months old.

Q You are the mother of these four children? A Yes sir.

Q Alex Tedder is the father? A Yes sir.

Q These children have always lived with you at your home? A Yes sir.

Q Is there any additional statement you desire to make in support of this application? A No sir.

Q Have you any written evidence or documentary evidence of any description that you desire to submit for the consideration of the Commission? A No sir.

The decision of the Commission as to your application and the application you make on behalf of your four minor children for identification as Mississippi Choctaws will be mailed to you in writing to your present post-office address.

This applicant is to all appearances a white woman, speaks the English language and has none of the appearances of an Indian.

Q Can you speak Choctaw? A No sir.

Q Can your father speak Choctaw? A I have heard him try.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceeding on said date.

Myra Young.

Subscribed and sworn to before me this 20th day of December, 1900.

[Signature]  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Tedder for the identification of herself and her minor children, Reuben, Cora, Charley and Floyd Tedder, as Mississippi Choctaws.

DECISION.

The record in this case shows that Emma Tedder appeared before the Commission at Hattiesburg, Mississippi, December 19th, 1900, and there made application for the identification of herself and her minor children, Reuben Tedder, Cora Tedder, Charley Tedder and Floyd Tedder, as Mississippi Choctaws. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (public No.162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Tedder and her minor children, Reuben Tedder, Cora Tedder, Charley Tedder and Floyd Tedder, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

DATED AT MUSKOGEE, INDIAN TERRITORY

ACTING CHAIRMAN.

THIS \_\_\_\_ DAY OF \_\_\_\_\_ 1901.

Muskogee, Indian Territory, November 23, 1901.

Emma Tedder,

Eupora, Mississippi.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Marietta J. Johnson, et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

It appears from our records that at Hattiesburg, Mississippi on December 19, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and four minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, on January 20, 1902



E. T. 2.

At one o'clock P. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

W. C. 1150

Acting Chairman.

M. C. R. 1150.

Muskogee, Indian Territory, March 3, 1902.

Emma Tedder,

Esperia, Mississippi.

Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R 711
Mary Etta Josephine Johnson, et al.,	M C R 335
Dora Ann Cutts, et al.,	M C R 337
Mint Cawalt, et al.,	M C R 356
Eva Bryant, et al.,	M C R 705
Maggie Box, et al.,	M C R 709
John W. Cummings,	M C R 712
Daniel Jackson Johnson, et al.,	M C R 714
Lucy Hull, et al.,	M C R 922
Hollie Cummings,	M C R 926
John Franklin Hull, et al.,	M C R 930
Daniel J. Cummings, et al.,	M C R 1041
Emma Tedder, et al.,	M C R 1150
Thomas Herschel Cox,	M C R 1152

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (#30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

E. T. 2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Eucl Johnson, Dora Ann Klutts, Mary A. Klutts, Zuby Klutts, Mint Oswald, Curtis Oswald, Myrtle Oswald, Lola Celesta Oswald, Eva Bryant, Nelly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Dock Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel L. Cummings, Joseph Austin Cummings, Daniel Pearl Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder, and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provisions of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John P. Klutts, the application made by Mint Oswald for the identification of her husband, J. S. Oswald, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Nelly, Johnson, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in charge.

Registered.

M.C.R. 1150

Muskogee, Indian Territory, May 9, 1902.

Emma Tedder,

Emporia, Mississippi.

Dear Madam:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

No. 1130

For Identification as a Mississippi Choctaw.

Date **DEC 19 1900**

Name *Emma Dedder.*

Age *33* Blood *1/8*

Post Office, *Osborne, Mississippi*

Father: *Jack Cot - ✓*

Mother: *Mary Cot - dead.*

Claims through *father*

HUSBAND:

*Aleck Dedder.*

*(No claim for husband.)*

Children:

*Reuben Dedder 5.*

*Cora " " 4.*

*Charley " " 2.*

*Floyd " " 6 mo.*

*Stenographer.*

*Myra Young.*

Choc mcr 1151 Joe Kelly

mcr 1151

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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The record herein is in the matter of the  
application of Joe Kelly, et al., for identifica-  
tion as Mississippi Choctaws-----M.C.R. 1151



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Joe Kelly,  
et al., for identification as Mississippi Choctaws,  
M.C.R. 1151

----- I N D E X -----

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Decision of the Commission identifying the applicants in the application of Joe Kelly, et al., as Mississippi Choctaws	4

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Hattiesburg, Miss. Dec. 19th, 1900.

In the matter of the application of Joe Kelly for the identification of himself and his wife Lizzie Kelly, as Mississippi Choctaws.

The said Joe Kelly, being sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Joe Kelly.
- Q What is your age? A I am about twenty-four.
- Q What is your post office address? A Rose Hill.
- Q Do you live in Rose Hill? A No, sir; I have been getting post office at Enterprise, but Rose Hill is nearer, and I get at Rose Hill.
- Q You live in the country near Rose Hill? A Yes, sir.
- Q Where do you get your mail? A I don't get mail.
- Q But Rose Hill is your nearest post office, is it? A Yes, sir.
- Q How long have you lived in Mississippi? A I have been here ever since I have been born.
- Q You were born in Mississippi? A Yes, sir.
- Q And have lived in Mississippi all your life? A Yes, sir.
- Q What is your father's name? A Thompson Kelly.
- Q Is he living? A No, sir.
- Q Was he a full blood Choctaw Indian? A Yes, sir.
- Q What was your mother's name? A Pamie.
- Q She is living is she? A Yes, sir.
- Q She is a full blood Choctaw? A Yes, sir.
- Q Is your name on any tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.
- Q Did you ever apply to the Choctaw tribal authorities in the Indian Territory for citizenship? A No, sir.
- Q Did you or did any one for your or in your behalf in the year 1896, that is four years ago, make an application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10th, 1896? A Yes, sir; I heard about that, but I didn't go to it.
- Q You didn't do anything about it, did you? A No, sir.
- Q Is this the first time that you have ever made application to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A Yes, sir; this is the first time.
- Q Is it now your purpose to make application for identification as a Mississippi Choctaw? A Yes, sir; I reckon so.
- Q Do you claim under the 14th article of the treaty of 1830? A I don't know, sir.
- Q You don't know what the treaty of 1830 is, do you? A No, sir.
- Q Did you ever hear of the 14th article of the treaty of 1830? A No, sir.
- Q Do you know old man Jim? Do you know who he is? A No, sir; I don't know nothing about him.
- Q Did you ever hear of Tahyah? A No, sir.
- Q What was the name of your father's father? A I don't know, sir.
- Q Do you know the name of your father's mother? A Yes, sir; I have heard about it.
- Q Well, what is it? A Jim, I believe.
- Q Jim was your father's father--wasn't he your grandfather? A No, he was my mother's father, I think.

Joe Kelly et al----2. M.C.

Q What was the name of your mother's mother? A Liza.  
Q Do you know whether Jim and Tahyah are the same person or not? A No, sir.  
Q You never heard him called anything but Jim? A No, sir.  
Q Did Jim live in Mississippi in 1830? A Yes, sir. He has been living right there.  
Q Was he a member of the Choctaw tribe of Indians at that time? A I don't know, sir.  
Q Do you know whether he remained in Mississippi after the treaty of 1830 was made? A No, sir.  
Q Do you know whether he went to the Indian Territory with the other members of the tribe after that treaty? A No, sir.  
Q You don't know anything about that? A No, sir.  
Q You don't know whether or not he signified his intention to the United States Indian Agent to remain and become a citizen of the United States, do you? A No, sir.  
Q Do you know whether Jim or any of your ancestors ever claimed or received any land in Mississippi? A No, sir; I don't know, sir. He died a long time before I was born.  
Q You never heard anything about this? A No, sr.  
Q ----anything about this land business? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your wife a Choctaw Indian? A Yes, sir.  
Q What is her name? A Lizzie.  
Q What is her father's name? A Same Thomas.  
Q Is he living? A Yes, sir.  
Q Is he a Choctaw Indian? A Yes, sir.  
Q What is her mother's name? A Her mother's name is Minnie.  
Q Is she living? A Yes, sir.  
Q Is she a Choctaw Indian? A Yes, sir.  
Q What was the name of Sam Thomas' father? A I don't know, sir.  
Q Do you know the name of his mother? A No, sir.  
Q What was the name of Minnie's father? A Lewis Chatam.  
Q Lewis Chatam was a full blood Choctaw? A Yes, sir.  
Q Is the name of your wife on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, sir.  
Q Did she ever apply to the Choctaw tribal authorities of the Indian Territory for citizenship? A I don't know, sir.  
Q Did she or did any one in her behalf in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in the Indian Territory under the Act of Congress of June 10th, 1896? A I don't know, sir.  
Q She never went to the Indian Territory, did she? A No, sir.  
Q Did she ever send any papers over there? A No, sir.  
Q What is your wife's age? A She is twenty-three.  
Q Is this the first time that your wife or any one in her behalf has made application to the authorities of the United States for citizenship or enrollment as a Choctaw Indian? A Yes, sir; this is the first time.  
Q You didn't go before the Commission up north two years ago? No, sir; we didn't go there.  
Q Do you now want to make application in behalf of your wife for identification as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim for her under the 14th article of the treaty of 1830? A I don't know, sir.  
Q Did Lewis Chatam live in Mississippi in 1830? A Yes, sir.  
Q Was he a member of the Choctaw tribe of Indians at that time? A I don't know, sir.  
Q Did he stay in Mississippi after the treaty of 1830 was made or did he go to the Indian Territory with the other members of the tribe? A I don't know, sir. I don't know.  
Q You don't know whether he stayed here or went to the Indian

Joe Kelly et al----3. M.C.

Territory? A I think he stayed here.

Q Do you know whether he signified his intention to the United States Indian Agent to remain and become a citizen of the United States? A No, sir.

Q Did Lewis Chatham or any of your wife's ancestors ever claim or receive any land in Mississippi from the United States government? A No, sir; all of my sisters was young.

Q Have you any children? A Me. No, sir; I had two but they are dead.

Q Is there anything else you would like to state to the Commission at this time in regard to this application? A No, sir.

Q Have you any papers which you desire to submit in support of this application? A No, sir.

Q Have you any papers of any kind which you wish to leave with the Commission? A I don't know.

Q Well, you know whether you have any papers of nor, don't you? A I haven't got no papers, no, sir.

MR. BIXBY: (Acting Chairman of Commission) After a careful consideration of the testimony in this application the Commission will render its decision, and you will be furnished with a written copy of the same mailed to your present post office address, Rose Hill.

-----0-----

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the matter of this application at the time and place abovementioned, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of January, A. D. 1901.

  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Joe Kelly,  
et al., for identification as Mississippi Choctaws,  
M.C.R. 1151

----- D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 19, 1900, by Joe Kelly for himself and his wife, Lizzie Kelly, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both of said applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902

(32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations.

September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw -Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Joe Kelly and Lizzie Kelly should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Acting Chairman

  
Commissioner

  
Commissioner

Muskogee, Indian Territory

FEB 14 1903

COPY.

M.C.R.  
1161

Muskogee, Indian Territory February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Joe Kelly and his wife Lizzie Kelly as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Joe Kelly and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

*James Bixby.*  
Acting Chairman

Registered.  
Enclosure

G.H. 13



COBA

M.C.R. 1151.

Muskegee, Indian Territory, March 11, 1903.

Joe Kelly,

Rose Hill, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Lizzie Kelly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tenne Henry*  
Chairman.

Registered.

Enc. 1151.

Atoka, T. T. April 17, 1903.

To the Commission to the Five Civilized Tribes,  
Atoka, Indian Territory.

You will please deliver to J. G. Rella, of Atoka,  
Indian Territory, any copies of the records in my case, that  
under the rule of law the Commission may give out to Attorneys  
as I have employed him to assist in this case.

J. G. Rella

COPY.

M.C.R.  
1161

Muskogee, Indian Territory February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Joe Kelly and his wife Lizzie Kelly as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Joe Kelly and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Lewis Birby*  
acting Chairman

Registered.  
Enclosure

G.H. 13

U.S.A. DEPT.

COPY

Muskogee, Indian Territory, March 11, 1903.

Joe Kelly,

Rose Hill, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Lizzie Kelly, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

James E. Smith  
Chairman.

Registered.

Enc. 1151.

No. 1151

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Joe Kelly

Age 24 Blood Fullblood.

Post Office, Rose Hill, Mississippi

Father: Thompson Kelly Dead

Mother: Fanny Kelly

Claims through Both Parents

Wife Lizzie - 23 years - Fullblood

Father: Sam Thomas.

Mother: Nannie "

Children: —

Hellshear

*Joe Kelly et al*

IDENTIFIED

DECISION RENDERED FEB 14 1903

ON THE DECISION FORWARDED  
FOR THE DECISION FORWARDED  
FOR THE DECISION FORWARDED  
FOR THE DECISION FORWARDED  
FEB 21 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

*P.O. May 5-03  
Hennepin 2-5  
% L. Johnson*



Choc MCR 1152 Thomas H. COX

see MCR 711

MCR 1152



AS  
A MISSISSIPPI CHOCTAW. R. 1150

*Thomas H. Cox*

REFUSED.

DECISION RENDERED. MAR 3- 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

2  
NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 30 1902

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAY 9 1902

REFER TO M. C. R. 711

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Hattiesburg, Miss. Dec. 19, 1900

In the matter of the application for identification as a Mississippi Choctaw of Thomas Herschel Cox. Thomas Herschel Cox being duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

- Q What is your name? A Cox.  
Q Is that all the name you have? A Thomas Cox/  
Q Any other name? A Thomas Herschel Cox.  
Q How old are you? A Twenty five.  
Q What is your post-office address? A Fentress, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Never lived any where else? A No sir.  
Q Born here? A Yes sir.  
Q What is your father's name? A Andrew Jackson Cox.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Macelina.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood have you? A My father claims one fourth.  
Q How much do you claim? A About one eighth I think it is.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment and citizenship as a Choctaw Indian? A No sir.  
Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10th, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission? A No sir.  
Q This is the first application you have ever made of any description? A Yes sir.  
Q You are now making application for identification as a Mississippi Choctaw? A Yes sir.  
Q Why do you believe that you are entitled to be identified by this Commission as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830? A I have been taught that by my father.  
Q Been taught what by your father? A That I had Indian blood in me.  
Q Have you been taught that you had a right in the Choctaw lands in the Indian Territory? A Yes sir.  
Q Why do you believe that you have my right to Choctaw land in the Indian Territory? A I don't know.  
Q Are you making your claim under the provisions of the fourteenth article of the treaty of 1830? A Yes sir, I reckon so.  
Q Well, are you or are you not? A I don't hardly know.  
Q What is your claim then. Do you claim under the fourteenth article of the treaty of 1830? A Yes sir.

Thomas H. Cox 2

Q What was the name of your ancestor who was a resident of the state of Mississippi and a recognized member of the Choctaw tribe of Indians in 1830 at the time the treaty of Dancing Rabbit Creek was made? A Daniel Cox.

Q What relation was Daniel Cox to you? A My grand father.

Q Was he a Choctaw Indian? A Yes sir.

Q Have you any evidence of that fact? A No sir.

Q How do you know that he was a Choctaw Indian? A That's what I have been taught.

Q Has he ever been recognized as such by the Choctaw Indians or the United States government? A Not that I know of.

Q Was your father always a resident of the state of Mississippi? A Yes sir.

Q Your grand father? A Yes sir.

Q What do you know about your grand father's residence in Mississippi? A I don't know.

Q If your grand father Daniel Cox was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 did he remove with the Choctaws from Mississippi to the Indian Territory? A No sir.

Q Did he signify to the United States Indian Agent of the Choctaw Indians in Mississippi his intention within six months after the ratification of the treaty of Dancing Rabbit Creek, to remain and become a citizen of the United States? A I don't know whether he did or not.

Q Did any of your ancestors ever receive or claim any land in Mississippi as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.

Q Do you make any claim under any other treaty stipulation entered into between the United States and the Choctaw tribe of Indians? A No sir.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q Making this application on your own behalf alone? A Yes sir.

Q Is there anything additional you want to say? A No sir, I don't believe there is.

Q Have you any written evidence that you desire to offer for the consideration of the Commission in support of your claim? A No sir.

The decision of the Commission as to your application for identification as a Mississippi Choctaw will be mailed to you in writing to your present post-office address.

The applicant in this case is to all appearances a white man. He speaks the English language without any difficulty. He has none of the appearances and characteristics of an Indian.

Q Can you speak Choctaw? A No sir.

Q Can you understand it? A No sir.

Myra Young, having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of December, 1900 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 21st day of December, 1900.

*[Signature]*  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Herschel Cox for identification as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Thomas Herschel Cox appeared before the Commission at Hattiesburg, Mississippi, December 19th, 1900, and there made application for identification as a Mississippi Choctaw. The provision of law vesting the Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September 27th, 1830, is found in Section 21 of the Act of Congress approved June 28th, 1898, (public No. 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Thomas Herschel Cox as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for his identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

ACTING CHAIRMAN.

DATED AT MUSKOGEE, INDIAN TERRITORY

THIS \_\_\_\_ DAY OF \_\_\_\_\_ 1901.

Muskogee, Indian Territory, November 23, 1901.

Thomas H. Cox,

Pentress, Mississippi.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaw of Marietta J. Johnson, et al., you are informed that under date of August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

It appears from our records that at Hattiesburg, Mississippi, on December 19, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Meridian, Mississippi, on January 20, 1902

T.H.C. 2.

at one o'clock P. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

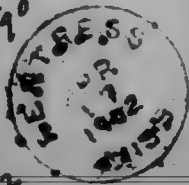
M. C. 1152.

Acting Chairman.

*Returned to writer  
 due not-claim here  
 H. H. Galt 4 PM  
 from 11/17  
 Rec'd 12/12  
 11/20*

Thomas Herschel Cox,

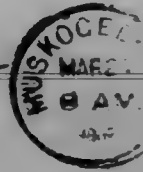
PRETRESS, Mississippi.



Department of the Interior.  
 Commission to the Five Civilized Tribes.  
 MUSKOGEE, IND. TER.  
 OFFICIAL BUSINESS.  
 Penalty for private use, \$300.

5420

24/2

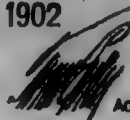




R. 1152  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 22 1902



ACTING CHAIRMAN



40-1013

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRICKNIDGEE

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 1154.

ALLISON L. AYLESWORTH.  
SECRETARY

Muskogee, Indian Territory, March 3, 1902.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Thomas Herschel Cox,  
Fentress, Mississippi.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Andrew J. Cox, et al., embracing the following applications for identification as Mississippi Choctaws:

Andrew J. Cox, et al.,	M C R	711
Mary Etta Josephine Johnson, et al.,	M C R	335
Dora Ann Cutts, et al.,	M C R	337
Mint Oswalt, et al.,	M C R	356
Eva Bryant, et al.,	M C R	705
Maggie Bex, et al.,	M C R	709
John W. Cummings,	M C R	712
Daniel Jackson Johnson, et al.,	M C R	714
Lucy Hull, et al.,	M C R	922
Mellie Cummings,	M C R	926
John Franklin Hull, et al.,	M C R	930
Daniel J. Cummings, et al.,	M C R	1041
Emma Tedder, et al.,	M C R	1150
Thomas Herschel Cox,	M C R	1152

Said decision, after a review of the evidence submitted, concludes as follows:

'The authority, vested in the Commission by the twenty first section of the Act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

T. H. C. 2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Andrew J. Cox, John Strong Cox, Mary Etta Josephine Johnson, Frances A. Johnson, John P. Johnson, George Wesley Johnson, Wilmer Mabel Johnson, Charles Jeff Johnson, Euel Johnson, Dora Ann Klutts, Mary A. Klutts, Zubby Klutts, Mint Oswalt, Curtis Oswalt, Myrtle Oswalt, Lola Celesta Oswalt, Eva Bryant, Molly Bryant, Jessie Bryant, Harvey Bryant, Maggie Box, Clara May Box, John W. Cummings, Daniel Jackson Johnson, Arnold Johnson, Lucy Hull, Tip Hull, Lelar Hull, Harve Hull, Lem Hull, Deck Hull, Jerry Hull, Olley Hull, Mollie Cummings, John Franklin Hull, Willie Hull, Daniel J. Cummings, Joseph Austin Cummings, Daniel Pearle Cummings, Essie Cummings, Frankie Cummings, Grover Cummings, Archie Cummings, Henry Hudson Cummings, Emma Tedder, Reuben Tedder, Cora Tedder, Charley Tedder, Floyd Tedder, and Thomas Herschel Cox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of the law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Mary Etta Josephine Johnson for the identification of her husband, Andy H. Johnson, the application made by Dora Ann Klutts for the identification of her husband, John P. Klutts, the application made by Mint Oswalt for the identification of her husband, J. S. Oswalt, the application made by Maggie Box for the identification of her husband, Rufus L. Box, and the application made by Daniel Jackson Johnson for the identification of his wife, Molly Johnson, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, May 9, 1902.

Thomas H. Cox,

Penicook, Mississippi.

Dear Sir:-

You are hereby advised that on the 30 th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheatees of the several persons included in the consolidated case of Andrew J. Cox, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

No. 1152  
For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Thomas H. Cot.

Age 25 Blood  $\frac{1}{8}$

Post Office, Gentress, Mississippi

Father: Andrew J. Cot - ✓

Mother: Macelina Cot - dead

Claims through father

Children:

Stenographer.  
Myra Young.

Choc MCR 1153 mingo In-Pun-nubbee

MCR 1153

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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The record herein is in the matter of the application  
of Mingo In-pun-nubbee for identification as a Mississippi  
Choctaw-----M.C.R. 1153



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mingo In-pun-nubbee  
for identification as a Mississippi Choctaw, M.C.R. 1153

I N D E X

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Original application of Mingo In-pun-narbi to the Dawes Commission for identification as a Mississippi Choctaw	1
Application of Mingo In-pun-nubbee to the Dawes Commission, at Muskogee, Indian Territory September 26, 1902 for identification as a Mississippi Choctaw	3
Supplemental testimony of Mingo-In-pun-nubbee taken at Muskogee, I.T. October 1, 1902, in reference to his identity with the Mingo In-pun-narbi who made application at Hattiesburg, Miss. December 19, 1900	9
Decision of the Commission identifying the applicant Mingo In-pun-nubbee as a Mississippi Choctaw	12

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Hattiesburg, Miss. December 19, 1900/

In the matter of the application of Mingo In-Pun-narbi for the identification of himself as a Mississippi Choctaw.

The said Mingo In-pun-narbi, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your age? A I expect sixty-eight, or sixty-nine now.  
(Mr. BIXBY: It appears from the records that this applicant appeared before the Commission on February 7th, 1899, at Decatur, Newton County, Mississippi.)

Q What is your post office? A Paulding, Jasper County, Mississippi.

Q How long have you lived in Mississippi? A I was born in Mississippi.

Q And you have lived here all your life? A Yes, sir.

Q What is your father's name? A His name is John.

Q Did he have any Indian name? A Yes, sir.

Q What was his Indian name? A Illinois.

Q Is he living? A No, dead.

Q Dead a long time? A Yes, sir; second year of the war.

Q Was he a full blood Choctaw? A Oh, yes.

Q What was your mother's name? A Her name Sallie.

Q Did she have any Indian name? A Yes, sir, but I can't call that.

Q Is she living? A No, sir; dead long time.

Q Was Sallie a full blood? A Yes, sir; both of them full blood Choctaw.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know----. Say it again.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A MyDaddies name is over there both of them.

Q Your name is not though? A No, sir.

Q You never have been over there? A No, sir; I don't know nothing about it.

Q Have you been in the Indian Territory? A No, sir.

Q Did you ever apply to the Choctaw tribal authorities of the Indian Territory for citizenship? You never went over to the Indian Territory and tried to be put on the rolls over there, did you? A Not yet.

Q Did you apply to the United States authorities, the Dawes Commission, four years ago, for citizenship in the Choctaw Nation? No, I don't recollect.

Q Is this the first time that you ever made application to the United States authorities for citizenship or enrollment as a Choctaw? A Yes, sir.

Q This is the only time except when you were at Decatur, isn't it? A Yes, sir.

Q A year ago? A Yes, sir.

Q Or pretty near two years ago now? A Yes, sir.

Q Do you want to be identified now as a Mississippi Choctaw? A Yes, sir.

Q Do you claim under the provisions of the 14th article of the treaty of 1830? A How many?

Q The fourteenth article of the treaty of 1830? A No, sir.

Q Well, do you know what the 14th article of the treaty of 1830 is? A No, sir. My daddy he told me you know. I don't know how old he was. He was in the Creek war, and the war was way back you know.

Mingo In-pun-narbi---M.C.2.

Q Did you ever hear about the treaty of Dancing Rabbit Creek? A No, sir; I never did.

Q Did John or Sallie live in Mississippi in 1830? Did they always live in Mississippi, your father and mother? A Oh, yes, they were born in Mississippi.

Q They were members of the Choctaw tribe of Indians were they not? A Yes, sir; always.

Q Did John and Sallie stay in Mississippi after the treaty of Dancing Rabbit Creek? A Yes, sir.

Q They didn't go to the Indian Territory when the Choctaw Indians went there? A No, I couldn't tell you.

Q Do you know anything about whether John or Sallie told the Indian Agent, Col. Ward, that they intended to remain in Mississippi and become citizens of the United States? A I don't know, no, sir.

Q You don't know anything about that? A No, sir.

Q Did John or Sallie ever claim or receive any land in Mississippi from the United States Government? A Yes, sir; they did get some; they got land from there but we didn't get it.

Q Did you get land in Mississippi? A No, sir.

Q Are you sure about that? A Yes, sure about that.

Q Did you ever have any land? A No, sir.

Q Did your father or mother ever have any land? A No. I thought you wanted territory in Mississippi; they never had no land here.

Q Are you married? A Yes, sir.

Q Your wife is dead now, isn't she? A Yes, sir; dead.

Q Have you any children? A Two.

Q They are over twenty-one years of age, are they not, your children? A Let's see, about thirty-four.

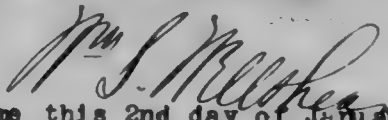
Q Is there anything you think of that I have not asked you about that you want to tell us? A I don't understand that. I have got another daughter, that is all I could say.

Q They are both grown women, are they? A Yes, sir; and they have got children.

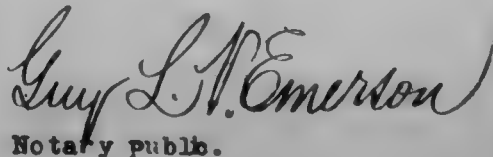
Q Have you any papers you would like to leave with the Commission? A Yes, sir; I have got ~~papers~~ papers.

-----o-----

Wm. S. Wellshear, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of this application at the time and place abovementioned, and that the foregoing is a true correct and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 2nd day of January A. D. 1901.



Notary Public.

#4312.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., September 26, 1902.

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In the matter of the application of Mingo In-pun-nubbee  
for the identification of himself as a Mississippi Choctaw.

Mingo In-pun-nubbee, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mingo In-pun-nubbee.  
Q How old are you? A Well I, lets see--71.  
Q Where do you live? A Mississippi.  
Q Are you going back to Mississippi? A No.  
Q Where do you stay? A South McAlester.  
Q That is where you are going to stay? A I'spect I will.  
Q Indian Territory? A Yes, sir.  
Q How long have you been at South McAlester? A Two weeks.  
Q Did you come from Mississippi? A Yes.  
Q Where did you live in Mississippi? A Jasper County.  
Q All your life? A Yes, sir, stayed there all time.  
Q You came two weeks ago? A Yes.  
Q You want to be identified as a Mississippi Choctaw? A Yes.  
Q What is your father's name? A Il-le-noah.  
Q Is he dead? A Yes.  
Q Is your mother dead? A Yes.  
Q What was your mother's name? A Sally or Polly.  
Q You don't remember her Indian name? A No, sir.  
Q You claim through your father and mother do you? A Yes.  
Q Are you a full blood? A Oh yes, can't you tell it--full blood Choctaw.  
Q You claim through your father and mother? A Yes, sir.  
Q Has your father and mother been recognized as Choctaw Indians here in Indian Territory by the Choctaw tribal authorities or by the government? A No.  
Q How were they married, by Choctaw custom? A Yes.  
Q Did not have any license? A No.  
Q Just Choctaw way? A Oh yes, long time ago.  
Q Are you married? A No? Yes.  
Q Wife dead? A Yes.  
Q What was her name? A Betsey.  
Q She full blood? A Oh yes.  
Q Are your children all grown? A Yes.  
Q You just make application for yourself? A Yes.

- Q Is your name on any of the tribal rolls of the Choctaw Nation Indian Territory? A No.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the Dawes Commission under act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.
- Q This is your first application? A Yes.
- Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? You want to be made a Mississippi Choctaw? A Yes.
- Q Do you claim under article fourteen of the treaty of 1830? You claim under that don't you? A I hear about it. My daddy was in that.
- Q Do you know what an agreement is? A No.
- Q You work for a man and he agrees to pay you. That is an agreement? A Yes.
- Q You put that in writing sometimes? A Yes.
- Q Now two nations can make an agreement in writing the same as you and another man? A Yes.
- Q Well they call that agreement a treaty. Now in 1830, seventy-two years ago the Choctaw Nation made a treaty with the United States. Both nations signed it and the Choctaw Indians agreed to go to the Choctaw Nation Indian Territory and the United States agreed to pay their expenses if they went. A good many Choctaws went but there were a lot of them that would not go. They said they wanted to stay in Mississippi. So something had to be done for those Indians who stayed back there and the government put article fourteen in the treaty. That article said that if they wanted to stay they would be allowed to do so but must go to the United States Indian Agent and tell him that they wanted to stay and that they wanted land. If they lived on this land five years they would get a deed for it from the government. Now a good many Indians went to the Agent and told him they wanted to do this but the Agent did not put their names down and so they did not get any land at all, or if they had any it was taken from them. This article fourteen that I was telling you about was put in the treaty and then it was signed. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Now, Mingo, that all means what I have said to you, that they could stay in Mississippi if they wanted to, but they must go to Colonel Ward, the Indian Agent, within six months after the treaty was signed, and tell him they wanted to stay there. Then afterwards if they wanted to go to the Indian Territory they could do so and be citizens there but could not get any of the money that was paid to the Indians. You understand that? A Yes.
- Q Now did your grand-father or your grand-mother, that is, any of the old folks go before Colonel Ward and tell him they wanted to stay there and take lands? A I don't know anything about it.
- Q What was your grand-father's name? A I don't know his name.
- Q What was your grand-mother's name? A Don't know--died long time.
- Q How old would your daddy be if living now? A He died 30 years this spring.
- Q How old was he when he died? A He old man.
- Q Your mother old woman now if living? A Oh, yes.
- Q Did they live seventy-two years ago in Mississippi? A Yes.
- Q Did they have any children living there then? A Me and my brother.
- Q Was your brother older than you? A Yes.
- Q How old was he? A He 76. Can't hardly walk.
- Q He is living now is he? A Yes.
- Q Living in Mississippi now? A Yes.
- Q Then he is 76 and was born in Mississippi? A Yes.
- Q So your father and mother had a family of children in Mississippi in 1830? A Yes.
- Q Did your father, Il-le-noah, or your mother, Sally or Polly, go to the Agent, either of them or both of them, within six months after the treaty was ratified and tell him they wanted to stay in Mississippi and take land there and become citizens of the states? A I don't know.
- Q Did you ever hear about Colonel Ward? A No.

Well Colonel Ward was a man the government employed; he worked for the government. That was about the time you were born; you were born a year after the treaty was made. Now

- Q Now when you were a little fellow did you hear about the Indians going out to Indian Territory? A Yes.
- Q Did your father go? A No.
- Q He died in Mississippi? A Yes.
- Q And your mother died in Mississippi? A Yes.
- Q Did her father go with the Indians to Indian Territory? A No.
- Q Did your father's father go? A He didn't go.
- Q Did your father's mother go? A They all died in Mississippi.
- Q Were they all full bloods? A Yes.
- Q You never heard about Colonel Ward? A No.
- Q Did your father tell you about that man who represented the government and would not let the Indians register but told them to go to Indian Territory? A I heard about that.
- Q What did your daddy think about that? A He didn't say.
- Q Did your mother say anything about it? A They never told me anything.
- Q Did your daddy or your mother own any land in Mississippi that the government gave them? A No, they had no land at all.
- Q Did you ever hear about Colonel Martin? A No.



- Q Did they have any improvements on land--any houses, barns or fences on land there? A I don't know about that.
- Q What did your father do for a living? A Hunting--made living.
- Q What did your mother do? A Worked land little.
- Q Did she have any land to work? A Little patch.
- Q Did they get it from the government? A No.
- Q What did they raise? A Corn--potatoes.
- Q Any cotton? A No cotton.

Now those Choctaw Indians who stayed back in the old Choctaw Nation after the treaty was ratified, who would not go to Indian Territory with the other Indians under the treaty of 1830, had to go to the United States Agent, Colonel Ward, within six months after the treaty was ratified and have their names registered if they wanted to become Choctaw Indians in the Choctaw Nation Indian Territory afterwards. I explained that to you. Now a good many Indians done that but the Agent would not put their names on the paper. He said "go to ~~Mississippi~~ Indian Territory, we don't want you here." They did not go to Indian Territory. They stayed in Mississippi and took land there, and then Colonel Martin, the other Agent, went around and found these men on land and told them to get off. They said they went to Colonel Ward and told him they wanted to stay in Mississippi under the treaty, but Colonel Martin told them that their names were not on the list and because their names were not on the list they would have to get off the land. These Choctaw Indians made complaint to the government and so many complaints were made that Congress appointed a Commission, like this Commission, to go to Mississippi and see about these complaints. That was many years ago, in 1837. A few years after that Congress appointed another Commission which went down to Mississippi where you came from and heard the claims of all these Indians and put their names on lists. Some of these had their rights given to them, like you are trying to get now before this Commission, while some of them did not get any rights at all.

- Q Now, Mingo, did your grand-father or your grand-mother go before either of these Commissions and try to get their rights under that article fourteen I explained to you? A Yes, I heard about that.
- Q Did you ever hear that your father or your mother went before either of these Commissions? A No.
- Q Now did any of your people, your father or mother--any of your Choctaw ancestors, get any scrip from the government with which they could select land in Mississippi, Alabama, Louisiana or Arkansas? A No.
- Q They never got any paper from the government? A No.
- Q You understand that don't you? A Yes.
- Q You speak Choctaw don't you? A Oh, yes.
- Q You don't understand English very well? A I understand it little.
- Q You understand these questions? A Yes.
- Q You would rather talk Choctaw than English? A Yes.
- Q How many brothers you got? A Two.



- Q You and your brother are the two? A Yes.  
Q He is an old man? A Yes.  
Q Seventy-six years old? A Yes.  
Q And lives in Mississippi? A Yes.  
Q Where in Mississippi? A In Jasper County.  
Q He never went before the Commission to be identified like you are now? A No.  
Q Have you any sisters? A All dead.  
Q Have you any grand-children? A Yes.  
Q Their father and mother living? A Yes.  
Q How many children you got? A Two.  
Q Is that all? A Yes.  
Q Where are they? A Down in Mississippi.  
Q Did they come to South McAlester with you? A No.  
Q Are they married? A Oh, yes.  
Q They never went before the Commission? A No.  
Q Why don't they come to the Territory? A Looks like they ought to come--ain't got any money.  
Q How did you come? A I got a little money.  
Q Did you come with your money? A Yes, can't go back now.  
Q You do not want to go back? A Money short now.  
Q Now Mingo you are a pretty good fellow? A Oh, yes.  
Q Anything more you want to say about your claim? Do you want to talk any more? A Don't know what to say.

The records in the possession of the Commission have been examined and the name of Il-le-noah, the father of the applicant, does not appear upon any of the rolls of the government of beneficiaries under article fourteen of the treaty of 1830, neither does the name of applicant's mother appear upon the rolls as a beneficiary under article fourteen of the treaty of 1830.

This applicant has the appearance and physical characteristics of being a full blood Choctaw Indian. He has gray hair, straight and coarse, smooth face, but he has the perfect features of the full blood Indian and there is no doubt that he is a full blood Choctaw Indian. He speaks the Choctaw language fluently, but understands and speaks the English language sufficiently well to give intelligent answers to the questions in English propounded during his examination. He is 71 years old; has a brother 76 years old who is now living. Both were born in Mississippi. Therefore his father and mother, or at least his mother, was living in Mississippi in 1830 when the treaty was made and when it was ratified in 1831, and had children at that time. He has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

--6--

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 26th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 29th day of September, 1902.

WEST

*John L. Fieber*

Notary Public.

#1153.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. October 1, 1902.

Mingo In-pun-nubbee, being first duly sworn, appears before the Commission under this date to give additional testimony as to his identity with the Mingo In-pun-narbi who made application to be identified as a Mississippi Choctaw at Hattiesburg, Mississippi, December 19, 1900.

Examination by the Commission:

- Q Is your name M-i-n-g-o I-n--p-u-n--n-u-b-b-e-e? A Yes.  
Q You came before the Commission did you not at Muskogee, Indian Territory, on September 26, 1902? A Yes.  
Q Well when you were here at that time you told the Commission that you had not been before the Commission at any time previous to that application. You did not mean that, did you? You made a mistake did you not? A Yes, I made a mistake.  
Q Now tell the Commission the first time you appeared before any member of the Commission in Mississippi? A I forget his name.  
Q You appeared before the Commission in Newton County, Mississippi? A Yes, sir.  
Q Now was it not before Commissioner McKennon? A I don't know.  
Q He was a big, fleshy man? A No, sir.  
Q Well he was a white haired man and had a white mustasche? A I don't know.  
Q Do you remember whether it was in February, 1899? A I don't remember.

The records in the possession of the Commission show that this applicant appeared before the Commission on February 7, 1899, field No. M. C. R. 377, giving his name as Mingo In-pun-nabi, giving at that time his age as 68, county of Jasper, father's name as John and mother's name as Sally. This application was made before Commissioner McKennon who represented the Commission at that time.

- Q Now Mingo you are the same person are you not that appeared before the Commission at that time? A Yes.  
Q Now, after that Mingo, did you go before the Commission again? A Yes.  
Q Where was that? A Hattiesburg, Mississippi.  
Q At that time you gave your name as Mingo In-pun-narbi? A Yes.  
Q Now Mingo you are the same person as the Mingo In-pun-narbi who appeared at Hattiesburg on December 19, 1900? A Yes, sir.

The application of this claimant, made at that time, M. C. R. 1153, is here especially referred to as the application made by him under which it is desired that the testimony given by him at Muskogee, Indian Territory, September 26, 1902, M. C. R. 6313, should be consolidated.

- Q Now Mingo, when you came before the Commission September 26, 1902, you gave your name as Mingo In-pun-nubbee? A Yes.
- Q Now do you want the Commission to take that as your name? A Yes.
- Q And do you want to have the testimony given by you before the Commission September 26, 1902, considered with the testimony given by you at Hattiesburg, Mississippi, December 19, 1900, under the case M.C.R. 1153? A Yes.
- Q When you testified before the Commission September 26, 1902 and said you had not appeared before the Commission at any time in Mississippi you did not quite understand the question did you? A I made a mistake.
- Q You want to change that now, do you, so that your testimony given here before the Commission on September 26, 1902, shall be a part of the testimony given at Hattiesburg, Mississippi, on December 19, 1900? A Yes, sir.
- Q When you appeared before the Commission at Hattiesburg on December 19, 1900; you gave the name of your father as John and also as Illinois. That is your father, Il-le-noah, as you give it now? A Yes, sir.
- Q You gave the name of your mother as Sallie; that is the same as Sally or Polly as you give her name now? A Yes, sir.

This applicant identifies himself as the same person who appeared before the Commission in Jasper County, Mississippi, on February 7, 1899, at which time he gave his name as Mingo In-pun-nabi. At a later date, that is on December 19, 1900, he appeared before the Commission at Hattiesburg, Mississippi, and there gave further testimony in his application to be identified as a Mississippi Choctaw and at that time gave his name as Mingo In-pun-narbi, M. C. R. 1153. Later he appeared before the Commission at its office in Muskogee, Indian Territory, on September 26, 1902, M.C.R. 6313, and then gave his name as Mingo In-pun-nubbee. This claimant is a full blood Choctaw Indian and has no knowledge of the English language further than that he is able, in a limited sense, to speak the language; he does not know how to spell, read or write the English language, and the difference in the spelling of his name is because of the unfamiliarity of an English speaking person or an English writing person in transcribing an Indian name. The spelling of the name was taken from its sound as pronounced by him at different times.

This application of Mingo In-pun-nubbee is to be consolidated with the case No. M.C.R. 1153.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me on this 1st day of October, 1902.

*Guy L. T. Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Mingo In-pun-nubbee  
for identification as a Mississippi Choctaw, M.C.R. 1153.

-----D E C I S I O N -----

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on December 19, 1900, by Mingo In-pun-nubbee for himself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that this applicant is a full blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902, (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after



six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Mingo In-pun-nubbee should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

FEB 14 1903



COPY

M.C.R. 1153

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Mingo In-pun-nubbee as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats, 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Mingo In-pun-nubbee as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

*Tams Bixby.*

*Acting Chairman*

Registered.

Enclosure G.H. 12

M.C.R. 1153.

Muskogee, Indian Territory, March 11, 1903.

Minge In-pun-nubbee,

South McAlester, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED

*Tame Dixby*  
Chairman.

Registered.

Enc. 1153.

Ardmore, I. T., February 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

You will please deliver to J.G. Ralls, of Atoka, Indian Territory, any copies of the records in my case, that under the rule of law the Commission may give out to attorneys, as I have employed him to assist me in this case.

Witnesses:

W. Tippet

Thompson, Peter

<sup>his</sup>  
Minges <sup>mark</sup> ~~mark~~ <sup>mark</sup>

COPY.

M.C.R. 1183

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Carnish

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Wingo In-pun-nubbee as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stat. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Wingo In-pun-nubbee as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED:

*Tame Dixby*

Acting Chairman

Registered,

Enclosure C.H. 12

M.C.R. 1153.

COPY.

Wiskegee, Indian Territory, March 11, 1903.

Minge In-pun-mabee,

South McAlester, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

*Tamm B. ...*

Chairman.

Registered.

Enc. 1153.



No. 1153

For Identification as a Mississippi Choctaw.

Date DEC 19 1900

Name Mingo In pen nubbee

Age 69 Blood Fullblood

Post Office, Paulding Mississippi

Father: John (als. Illinois) Dead

Mother: Sallie Dead

Claims through

wife

Dead

Children:

Hellshear

*Mingo In-pun-nubbe.*

IDENTIFIED

DECISION RENDERED

FEB 01 1903

DECISION FORWARDED  
TO BUREAU FOR CHOCTAW AND  
CHICKSAW NATIONS.

FEB 01 1903

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

*P.O. Ardmore 2.7*



END

OF

ROLL